

G41  
14:C7

# Law and Administration

## LEGISLATIVE COMMITTEES IN NORTH CAROLINA

N.C.  
Doc

North Carolina State Library  
Raleigh

*By Henry W. Lewis*

INSTITUTE OF GOVERNMENT  
THE UNIVERSITY OF NORTH CAROLINA  
CHAPEL HILL





# LAW AND ADMINISTRATION

A SERIES PUBLISHED BY  
INSTITUTE OF GOVERNMENT

THE UNIVERSITY OF NORTH CAROLINA  
CHAPEL HILL


*Director:* ALBERT COATES

*Assistant Directors:* VERNON LEE BOUNDS, J. SHEPARD BRYAN, JR.,  
WILLIS C. BUMGARNER, WILLIAM M. COCHRANE, WILLIAM THOMAS  
DEVINE, JR., GEORGE H. ESSER, JR., PHILIP P. GREEN, JR., DONALD B.  
HAYMAN, HENRY W. LEWIS, RODDEY M. LIGON, JR., JOHN ALEX-  
ANDER McMAHON, ERNEST W. MACHEN, JR., BASIL L. SHERRILL,  
CLIFFORD BRUCE THOMAS

## *Volumes in the Series:*

- I. THE LAW OF ARREST
- II. THE LAW OF SEARCH AND SEIZURE
- III. PROPERTY TAX COLLECTION IN NORTH CAROLINA
- IV. MOTOR VEHICLE LAW IN NORTH CAROLINA
- V. ZONING IN NORTH CAROLINA
- VI. LEGISLATIVE COMMITTEES IN NORTH CAROLINA

LEGISLATIVE COMMITTEES  
IN NORTH CAROLINA



Digitized by the Internet Archive  
in 2017 with funding from  
State Library of North Carolina

# Law and Administration

*A Series*

---

---

## LEGISLATIVE COMMITTEES IN NORTH CAROLINA

*by Henry W. Lewis*  
*Assistant Director of the Institute of Government*

---

---

INSTITUTE OF GOVERNMENT  
THE UNIVERSITY OF NORTH CAROLINA  
CHAPEL HILL

COPYRIGHT, 1952, BY  
INSTITUTE OF GOVERNMENT  
THE UNIVERSITY OF NORTH CAROLINA

PRINTED IN THE UNITED STATES OF AMERICA

## PREFACE

On June 12, 1950, the Hon. Hoyt Patrick Taylor, Lieutenant Governor of North Carolina, wrote the Director of the Institute of Government that

There is a school of thought to the effect that we have too many committees in the Senate and House of Representatives of our General Assembly and/or that there are too many members of the respective committees. . . .

I am wondering if you have any thoughts on this subject or suggestions to make to me as to a practical method of approach to my problem.

Beginning with the session of 1933, the Institute of Government had been in daily touch with each session of the North Carolina General Assembly. Naturally its staff had considerable interest in the organization and operations of the standing committee system in the two houses. During each session at which the Institute operated its reporting service its legislative staff had kept detailed records of committees, committee membership, and bill referrals. The lieutenant governor's request presented the Institute with a challenge to interpret its voluminous records in the light of staff observation of legislative activity.

Lieutenant Governor Taylor's immediate problem was the 1951 Senate. It would have been possible to confine the inquiry to the Senate committee system, but the Institute took the position that such an approach would be unnecessarily limited. If for no other reason, the House committee system offered the best basis for comparison. And if there was need for reconsidering the Senate's committees there was probably as much need for a re-examination of those in the House.

PARTS 1 and 2 of this study were prepared in the fall of 1950 and were presented to the lieutenant governor for his personal information prior to the General Assembly of 1951. Had it been possible at that time to determine who would be speaker of the 1951 House the study would have been presented to him also. These first two parts contain an analysis of the 1949 Senate and House rules concerning committees, an explanation of the system, numerous statistical illustrations, and a number of suggestions for rearranging the system in both the Senate and House. As published here, PARTS 1 and 2 remain essentially the same as they were when completed in 1950. References to 1949 rules have not been changed; instead, a table converting 1949 rule numbers

to 1951 rule numbers has been added in the Appendix. Occasionally footnotes in PARTS 1 and 2 will indicate significant 1951 changes. But the body of the text in PARTS 1 and 2 remains in the form in which originally submitted to the lieutenant governor.

PART 3 was written after the 1951 session adjourned. It describes the action taken in both the Senate and House with regard to committees in this most recent session. It also attempts to evaluate the effect of the changes made in the Senate committee system, and for both houses it offers additional suggestions or reiterates suggestions made in the original study.

# TABLE OF CONTENTS

## PART 1. THE COMMITTEE SYSTEM

DEFINITION .....	3
WHY HAVE STANDING COMMITTEES .....	3
THE NUMBER AND SIZE OF STANDING COMMITTEES .....	5
THE FIELDS OF COMMITTEE WORK .....	13
DETERMINING THE IMPORTANCE OF A COMMITTEE .....	25
SELECTION OF COMMITTEE PERSONNEL .....	29
STANDARDS OF SELECTION FOR COMMITTEE POSTS .....	29
PARTY AFFILIATION IN THE SELECTION OF COMMITTEE MEMBERS ..	31
METHOD OF SELECTING COMMITTEE MEMBERS .....	31
FILLING COMMITTEE VACANCIES .....	33
SELECTION OF COMMITTEE CHAIRMEN .....	34
THE OPERATIONS OF STANDING COMMITTEES .....	35
MEETINGS AND HEARINGS .....	35
QUORUM IN COMMITTEE MEETINGS .....	38
PROCEDURE IN COMMITTEE MEETINGS AND HEARINGS .....	38
COMMITTEE RECORDS .....	40
SPEED OF COMMITTEE ACTION .....	40
COMMITTEE REPORTS .....	42
FORM AND TECHNICAL REQUIREMENTS .....	42
MUST COMMITTEE REPORT ALL BILLS REFERRED? .....	43
FORCING A COMMITTEE TO REPORT OR RELEASE A BILL .....	44
REVISION AGENCIES .....	45
MINORITY REPORTS .....	47
THE COMMITTEE ON RULES .....	48
THE CALENDAR COMMITTEE IN NORTH CAROLINA .....	49
JOINT COMMITTEES .....	51
CONFERENCE COMMITTEES .....	53

## PART 2. SHOULD THE NUMBER AND SIZE OF NORTH CAROLINA COMMITTEES BE REDUCED?

INTRODUCTION .....	59
THE NUMBER OF COMMITTEES .....	59
COMPARISON WITH OTHER STATES .....	60
DISTRIBUTION OF WORK AMONG NORTH CAROLINA COMMITTEES ....	61

THE FIELDS OF LEGISLATIVE ACTIVITY—ARE THEY OVERSTAFFED OR UNDERSTAFFED WITH STANDING COMMITTEES? .....	63
COMMITTEES OF A NON-SUBSTANTIVE NATURE .....	68
COMMITTEES OF A SUPERVISORY NATURE .....	69
COMMITTEES OF A POLITICAL NATURE .....	70
DEAD OR USELESS COMMITTEES OF ALL CLASSIFICATIONS .....	70
THE SIZE OF COMMITTEES .....	74
COMPARISON WITH OTHER STATES .....	74
EFFECT OF NUMEROUS COMMITTEE ASSIGNMENTS .....	75
ARE SMALL COMMITTEES DESIRABLE? .....	82
RECOMMENDATIONS CONCERNING 1951 SENATE COMMITTEES .....	85

### PART 3. COMMITTEES IN THE 1951 GENERAL ASSEMBLY

INTRODUCTION .....	93
STANDING COMMITTEES IN THE 1951 SENATE .....	96
NUMBER .....	96
SIZE .....	110
USE OF VICE CHAIRMEN .....	118
QUORUM IN COMMITTEE .....	119
JOINT COMMITTEES .....	119
COMMITTEE CLERKS .....	121
STANDING COMMITTEES IN THE 1951 HOUSE OF REPRESENTATIVES .....	123

### APPENDIX

I. 1949 "GAG RULE" REVISION—SANCTITY OF THE COMMITTEE REPORT .....	135
II. BILL REFERRALS IN THE 1951 SENATE AND HOUSE .....	139
III. CONVERSION TABLE—1949 RULE NUMBERS CONVERTED TO 1951 RULE NUMBERS .....	144

## FIGURES

A. STATE LEGISLATURES—Total Membership and Total Number of Committees in Each House .....	7
B. STATE LEGISLATURES	
<i>Part 1.</i> Houses of State Legislatures Ranked According to Size	9
<i>Part 2.</i> Houses of State Legislatures Ranked According to Number of Standing Committees .....	10
<i>Part 3.</i> Houses of State Legislatures Ranked According to Ratio of Membership to Number of Standing Committees .....	11
C. NORTH CAROLINA GENERAL ASSEMBLY OF 1949—Standing Committees of Senate and House .....	14
D. NORTH CAROLINA GENERAL ASSEMBLY OF 1949—Classification of Standing Committees by Areas of Interest .....	16
E. NORTH CAROLINA GENERAL ASSEMBLY—1945, 1947, 1949—Number of Bills and Percentage of Total Bills Referred to Each Standing Committee .....	19
F. NORTH CAROLINA GENERAL ASSEMBLY—1945, 1947, 1949—Analysis of Amount of Work Considered by Standing Committees in Each Broad Field of Interest .....	23
G. NORTH CAROLINA GENERAL ASSEMBLY—1945, 1947, 1949—Standing Committees Handling Major Part of Proposed Legislation in Each House .....	27
H. NORTH CAROLINA GENERAL ASSEMBLY—1945, 1947, 1949—Major Committee Work-Load Division between Public and Local Bills .....	28
I. NORTH CAROLINA GENERAL ASSEMBLY OF 1949—The Speed of Committee Action—A Study of Four Major Committees in Each House .....	41
J. FIELDS OF LEGISLATIVE ACTIVITY—Analysis of Committees Operating in Each Field .....	63
K. NORTH CAROLINA GENERAL ASSEMBLY OF 1949—Committee Assignments in House and Senate .....	77
L. NORTH CAROLINA GENERAL ASSEMBLY OF 1951—Standing Committees of Senate and House .....	95
M. 1951 SENATE COMMITTEES—Work-Load Compared With That in Previous Sessions .....	98

N. 1951 SENATE—Division of Work-Load among Fields of Legislative Activity and among Committees .....	104
O. SENATE COMMITTEE ASSIGNMENTS—1949 and 1951 Comparisons	116
P. 1951 HOUSE OF REPRESENTATIVES—Analysis of Bill Referrals ..	124
Q. 1951 HOUSE OF REPRESENTATIVES—Division of Work-Load among Fields of Legislative Activity and among Committees ..	127
R. HOUSE COMMITTEE ASSIGNMENTS—1949 and 1951 Comparisons	129
S. NORTH CAROLINA GENERAL ASSEMBLY OF 1951—Committee Assignments in House and Senate .....	130

*Part 1*

THE COMMITTEE SYSTEM



# THE COMMITTEE SYSTEM

## Definition

In general terminology there are two kinds of legislative committees, standing committees and select committees. It is sometimes said that every legislative committee that is not a standing committee is a select committee. A better distinction can be drawn on the basis of tenure. Standing committees are those appointed to operate for a full session; select committees are appointed for a limited time or for a limited assignment. Still another distinction is that standing committees are provided for by the standing rules of the body, select committees are not.

This study is not primarily concerned with select committees. It is sufficient to say that they are usually provided for by resolution or special rule, and when appointed are charged with the performance of limited tasks. The rules of the United States House of Representatives provide

The Speaker shall appoint all select and conference committees which shall be ordered by the House from time to time.<sup>1</sup>

North Carolina and most other states follow the same procedure.

Joint committees, conference committees, calendar committees, and rules committees all have special functions. Each is discussed later in this study, but the principal inquiry has been directed to the classic standing committee.

## Why Have Standing Committees

In a session of sixty-seven legislative days in 1945 a total of 1,454 bills and resolutions were introduced in the two houses of the North Carolina General Assembly;<sup>2</sup> in seventy-six legislative days in 1947 the total was 1,606;<sup>3</sup> and in ninety-four legislative days in 1949 the total was 1,834.<sup>4</sup> This represented an average of 21.7 new bills each day in 1945,<sup>5</sup> 21.13 each day in 1947,<sup>6</sup> and 19.5 each day in 1949.<sup>7</sup> The

---

<sup>1</sup> Rule X, Section 2.

<sup>2</sup> 1,000 in the House; 454 in the Senate. All figures in this paragraph are based on information taken from the Senate and House journals for the appropriate years.

<sup>3</sup> 1,125 in the House; 481 in the Senate.

<sup>4</sup> 1,343 in the House; 491 in the Senate.

<sup>5</sup> 14.9 in the House; 6.8 in the Senate.

<sup>6</sup> 14.27 in the House; 6.35 in the Senate.

<sup>7</sup> 14.28 in the House; 5.22 in the Senate.

number of bills introduced per day has shown a slight decrease, but the length of the sessions has increased.<sup>8</sup>

In many states the length of the legislative session is limited by constitutional or statutory provisions. While this is not the case in North Carolina, the length of time members have available in which to deal with this mass of bills is effectively limited by the purely economic fact that legislators find themselves financially unable to stay away from their regular business pursuits for extended periods. Their pay as legislators has not been sufficient inducement.<sup>9</sup> The limits of time from whatever source make it virtually impossible for each house to debate every proposal at length on the floor.

This situation is, of course, not peculiar to North Carolina. If a legislative body is to accomplish any reasonable portion of the work it faces, responsibility for investigating the need and feasibility of proposed legislation must be assigned to smaller agencies in which the body has confidence. The practical solution is a series of committees composed of relatively small numbers of the elected members of the body itself. These are the standing committees provided for in the rules of both houses in North Carolina.<sup>10</sup> In the last three sessions of the North Carolina General Assembly at least 92% of all measures introduced were referred to standing committees for action.<sup>11</sup> They disposed of about 20% of these bills by unfavorable reports or by failing to take any action on them;<sup>12</sup> the remainder they reported to the floor favorably, either as they had been introduced or as amended or substituted by the committees themselves. The fact that only about 3.7% of the number reported favorably failed to pass<sup>13</sup> is ample evidence of the weight the body gives committee opinion.<sup>14</sup>

In spite of the fact that it would be practically impossible for a legislature to function without standing committees, there is a great

---

<sup>8</sup> The 1951 statistics show the same situation. In ninety-five legislative days a total of 1,857 bills were introduced (1,239 in the House; 620 in the Senate), an average of 19.5 per day (13.0 in the House; 6.5 in the Senate).

<sup>9</sup> Adoption of a constitutional amendment raising their compensation at the general election, November 7, 1950, may help relieve the economic pressure on members of the General Assembly. Chapter 23, Session Laws of 1951, provides for paying members \$15.00 and presiding officers \$20.00 for each day of a regular session, but a member may be paid a total of no more than \$1,350.00 and a presiding officer no more than \$1,800.00 in any one session.

<sup>10</sup> Senate Rules 28 and 29; House Rule 47. The number and names of committees are determined at the first of each legislative session when the houses adopt their rules.

<sup>11</sup> The percentage was slightly higher in 1951—about 95%.

<sup>12</sup> The percentage was slightly lower in 1951—about 16%.

<sup>13</sup> The percentage was slightly lower in 1951—about 2%.

<sup>14</sup> These statistics are taken from "The Committee System," an unpublished manuscript dated June, 1949, by James Dickson Phillips, now on file at the Institute of Government.

deal of complaint about the system from legislators and political scientists as well as from private citizens. This criticism is summarized in the epithet "miniature, irresponsible legislatures." Critics feel that committees have been given too much power, that they abuse their power, that committees are devices for removing the legislative function from public scrutiny, that they are inefficient and uninformed about the matters with which they must deal, that they are susceptible to the pressure of lobbyists, easy to influence, and far removed from the "restraining hand of public opinion."<sup>15</sup>

This study is designed neither to defend nor condemn the existing committee system in North Carolina. It simply attempts to set out facts about the use, selection, work, number, and purpose of committees in the General Assembly of this state. Where pertinent and available, statistics from other states have been introduced.

### The Number and Size of Standing Committees

In most American legislative bodies the rules designate names for committees, provide the manner in which members are to be appointed, and, in many instances, prescribe the size of each standing committee. In a few states the size of committees is indicated only by maximum and minimum figures; in others there are no limitations at all, or the limitations apply only to certain committees. As a general rule, however, the rules set a fixed number of members for each committee.<sup>16</sup> So long as the limitations are imposed by rule it is, of course, relatively simple for the body to increase or decrease the number and size of committees at any time by amending its rules.

In North Carolina the rules adopted at the beginning of each session by each house specify the names of the standing committees to be appointed and, in this way, limit the number to be used. The rules do not, however, set any limit on the number of members to be appointed to any given committee.<sup>17</sup>

The number of committees within a single state's legislature will vary from year to year. In North Carolina the number of Senate committees was fifty-three in 1945, fifty-one in 1947, and fifty-two in

---

<sup>15</sup> These criticisms have been catalogued by Professor Harvey Walker in a valuable book, *THE LEGISLATIVE PROCESS* (New York, 1948), page 207. This book has been used freely in the preparation of this study and will be cited simply as *Walker*.

<sup>16</sup> *Walker*, page 211.

<sup>17</sup> (See PART 3 of this study for 1951 changes.) In each North Carolina house one committee is required by statute, and two are impliedly required by other statutes. A committee on interstate cooperation is required by G.S. 143-178 for the Senate and by G.S. 143-179 for the House. The minimum number of members for each such committee is set at five. Rules committees are assumed by G.S. 120-34, and appropriations committees are assumed by G.S. 143-14.

1949; in the House the number was forty-nine in 1945 and forty-six in both 1947 and 1949.<sup>18</sup> An equally flexible standard has been adopted with regard to the size of individual committees.

Students of legislative procedure generally agree that there are usually too many committees and that their membership is often too large. In recent years there has been a discernible tendency throughout the country toward reduction in the number of committees and, perhaps to a lesser degree, reduction in committee sizes.<sup>19</sup>

A comprehensive study made in 1931<sup>20</sup> showed that the average number of committees in the American state senates was 32.3 each, and that each senator served on an average of 7.6 committees. In North Carolina, Pennsylvania, Georgia, Texas, Tennessee, and Iowa the average senator at that time served on ten or more committees. In North Carolina the figure was 13.2 per senator.<sup>21</sup> Only in the senates of Wisconsin, Rhode Island, and Connecticut was the average service required less than three committees, a figure often cited as low enough to enable the average senator to serve adequately each committee to which he is assigned.

Another study prepared in 1940<sup>22</sup> showed that state senators in six states were assigned to ten or more committee seats each: 18.3 in Georgia, 17.3 in North Carolina, 12.5 in Oklahoma, 11.7 in South Dakota, 11.0 in Texas, and 10.5 in Illinois. In only three state senates at that time was the individual member required to sit on an average of fewer than four committees: 1.4 in Wisconsin, 2.4 in Rhode Island, and 3.0 in Connecticut. Twelve senates, however, assigned each member to five or fewer committees.<sup>23</sup>

As a rule the lower houses of state legislatures have followed a more conservative policy in the number of committee assignments per member if not in the number of committees. In 1931 the average number of committees in the state houses of representatives was 39.2, and the average number of committees on which each member served was 4.5. Tennessee with 9.2, Georgia with 8.8, Iowa with 7.9, Cali-

<sup>18</sup> See Senate and House Journals for 1945, 1947, and 1949.

<sup>19</sup> *Walker*, page 211 *et seq.*

<sup>20</sup> C. I. Winslow, *STATE LEGISLATIVE COMMITTEES*, published as No. 2 of Series XLIX, *JOHNS HOPKINS UNIVERSITY STUDIES IN HISTORICAL AND POLITICAL SCIENCE*. Hereafter this work will be cited as *Winslow*, and page references will be based on pagination in the Series publication rather than in the original pamphlet.

<sup>21</sup> *Winslow*, page 174.

<sup>22</sup> Dorothy C. Culver, "Legislative Reorganization," 1941 *LEGISLATIVE PROBLEMS*, No. 4, Bureau of Public Administration, University of California, Berkeley, 1941. This study will be cited hereafter as *Culver*.

<sup>23</sup> Connecticut, Idaho, Maine, Massachusetts, Montana, New Mexico, Ohio, Rhode Island, Utah, Virginia, Wisconsin, and Wyoming. Nebraska's single house assigned its 119 members to an average of 2.8 committee places each. *Culver*, page 33.

fornia and Florida with 7.6, and Indiana with 7.3 brought the national average up unduly. The North Carolina average was 6.9. At the other extreme stood New Hampshire with 1.3 (the result of a very large membership), Massachusetts and Vermont with 1.5, Wisconsin with 1.6, Connecticut with 1.75, and Rhode Island with 1.8.<sup>24</sup>

In 1940 members of the lower houses in four states were assigned to an average of nine or more committees each: 12.8 in Georgia, 10.0 in Oklahoma, 9.1 in North Carolina and Tennessee, and 9.0 in Iowa. In six states representatives were required to sit on an average of fewer than two committees each: 1.4 in New Hampshire, 1.5 in Massachusetts, 1.6 in Connecticut and Vermont, 1.7 in Wisconsin, and 1.8 in Rhode Island. Twenty-seven houses of representatives, however, assigned each member to only five or fewer committees.<sup>25</sup>

Figure A and Figure B indicate the total membership of each house of each state's legislature, the number of standing committees in each house, the number of joint committees, and the ratio of total membership to total number of committees. Since Nebraska has a legislature of only one house it is excluded from the discussion of these statistics.

FIGURE A  
STATE LEGISLATURES  
TOTAL MEMBERSHIP AND TOTAL NUMBER OF COMMITTEES  
IN EACH HOUSE

SOURCE: THE BOOK OF THE STATES, 1950-1951 (Chicago, 1950), page 115.

State	Membership		Standing Committees			Ratio of Membership to Number of Standing Committees*	
	House	Senate	House	Senate	Joint	House	Senate
Alabama	106	35	14	30	0	7.57	1.16
Arizona	58	19	26	23	1	2.23	.82
Arkansas	100	35	49	53	1	2.04	.66
California	80	40	25	21	0	3.20	1.90
Colorado	65	35	41	30	0	1.58	1.16
Connecticut	272	36	33	33	33	8.24	1.09
Delaware	35	17	26	22	4	1.34	.77
Florida	95	38	30	38	0	3.16	1.00
Georgia	205	54	63	37	7	3.25	1.45

\* The ratio was determined by dividing the number of committees into the total membership.

<sup>24</sup> Winslow, page 174 et seq.

<sup>25</sup> Culver, page 33.

State	Membership		Standing Committees			Ratio of Membership to Number of Standing Committees*	
	House	Senate	House	Senate	Joint	House	Senate
Idaho	59	44	25	22	0	2.36	2.00
Illinois	153	51	26	28	0	5.88	1.82
Indiana	100	50	43	39	2	2.32	1.28
Iowa	108	50	39	34	2	2.76	1.47
Kansas	125	40	43	29	1	2.90	1.37
Kentucky	100	38	71	38	0	1.40	1.00
Louisiana	100	39	39	30	0	2.56	1.30
Maine	151	33	7	2	22	21.57	16.50
Maryland	123	29	22	26	0	5.59	1.11
Massachusetts	240	40	6	4	31	40.00	10.00
Michigan	100	32	69	18	3	1.44	1.77
Minnesota	131	67	38	36	0	3.44	1.86
Mississippi	140	49	50	49	5	2.80	1.00
Missouri	154	34	52	24	4	2.96	1.41
Montana	90	56	47	46	0	1.91	1.21
Nebraska	43		14		0	3.07	
Nevada	43	17	24	15	0	1.79	1.13
New Hampshire	399	24	24	17	1	16.62	1.41
New Jersey	60	21	42	30	9	1.42	.70
New Mexico	49	24	30	15	0	1.63	1.60
New York	150	56	36	30	0	4.16	1.86
North Carolina	120	50	46	52	2	2.44	.96
North Dakota	113	49	20	20	0	5.65	2.45
Ohio	139	36	22	19	0	6.31	1.89
Oklahoma	118	44	27	25	0	4.37	1.76
Oregon	60	30	25	30	0	2.40	1.00
Pennsylvania	208	50	33	21	2	6.30	2.38
Rhode Island	100	44	15	12	6	6.66	3.66
South Carolina	124	46	8	31	3	15.50	1.48
South Dakota	75	35	51	51	0	1.47	.68
Tennessee	99	33	46	35	0	2.15	.94
Texas	150	31	43	39	1	3.48	.79
Utah	60	23	35	16	2	1.71	1.43
Vermont	246	30	26	31	3	9.46	.96
Virginia	100	40	35	25	6	2.85	1.60
Washington	99	46	37	30	1	2.67	1.53
West Virginia	94	32	27	31	1	3.48	1.03
Wisconsin	100	33	23	10	2	4.34	3.30
Wyoming	56	27	19	21	1	2.94	1.28
Averages for 47 States	120.2	36.3	33.6	28.0	3.5	5.15	1.93

\* The ratio was determined by dividing the number of committees into the total membership.

## FIGURE B

### STATE LEGISLATURES

SOURCE: Figure A.

*Part 1*

## HOUSES OF STATE LEGISLATURES RANKED ACCORDING TO SIZE

<i>Lower House</i>	<i>Number of Members</i>	<i>Upper House</i>	<i>Number of Members</i>
1. New Hampshire	399	1. Minnesota	67
2. Connecticut	272	2. Montana	56
3. Vermont	246	New York	
4. Massachusetts	240	3. Georgia	54
5. Pennsylvania	208	4. Illinois	51
6. Georgia	205	5. Indiana	50
7. Missouri	154	Iowa	
8. Illinois	153	North Carolina	
9. Maine	151	Pennsylvania	
10. New York	150	6. Mississippi	49
Texas		North Dakota	
11. Mississippi	140	7. South Carolina	46
12. Ohio	139	Washington	
13. Minnesota	131	8. Idaho	44
14. Kansas	125	Oklahoma	
15. South Carolina	124	Rhode Island	
16. Maryland	123	9. California	40
17. North Carolina	120	Kansas	
18. Oklahoma	118	Massachusetts	
19. North Dakota	113	Virginia	
20. Iowa	108	10. Louisiana	39
21. Alabama	106	11. Florida	38
22. Arkansas	100	Kentucky	
Indiana		12. Connecticut	36
Kentucky		Ohio	
Louisiana		13. Alabama	35
Michigan		Arkansas	
Rhode Island		Colorado	
Virginia		South Dakota	
Wisconsin		14. Missouri	34
23. Tennessee	99	15. Maine	33
Washington		Tennessee	
24. Florida	95	Wisconsin	
25. West Virginia	94	16. Michigan	32
26. Montana	90	West Virginia	
27. California	80	17. Texas	31
28. South Dakota	75	18. Oregon	30
29. Colorado	65	Vermont	

<i>Lower House</i>	<i>Number of Members</i>	<i>Upper House</i>	<i>Number of Members</i>
30. New Jersey	60	19. Maryland	29
Oregon		20. Wyoming	27
Utah		21. New Hampshire	24
31. Idaho	59	New Mexico	
32. Arizona	58	22. Utah	23
33. Wyoming	56	23. New Jersey	21
34. New Mexico	49	24. Arizona	19
35. Nevada	43	25. Delaware	17
36. Delaware	35	Nevada	

*Part 2*

HOUSES OF STATE LEGISLATURES RANKED ACCORDING TO  
NUMBER OF STANDING COMMITTEES

<i>Lower House</i>	<i>Number of Committees</i>	<i>Upper House</i>	<i>Number of Committees</i>
1. Kentucky	71	1. Arkansas	53
2. Michigan	69	2. North Carolina	52
3. Georgia	63	3. South Dakota	51
4. Missouri	52	4. Mississippi	49
5. South Dakota	51	5. Montana	46
6. Mississippi	50	6. Texas	39
7. Arkansas	49	Indiana	
8. Montana	47	7. Florida	38
9. North Carolina	46	Kentucky	
Tennessee		8. Georgia	37
10. Texas	43	9. Minnesota	36
Indiana		10. Tennessee	35
Kansas		11. Iowa	34
11. New Jersey	42	12. Connecticut	33
12. Colorado	41	13. Vermont	31
13. Iowa	39	South Carolina	
Louisiana		West Virginia	
14. Minnesota	38	14. Alabama	30
15. Washington	37	Colorado	
16. New York	36	Louisiana	
17. Utah	35	Washington	
Virginia		Oregon	
18. Pennsylvania	33	New York	
Connecticut		New Jersey	
19. New Mexico	30	15. Kansas	29
Florida		16. Illinois	28
20. Oklahoma	27	17. Maryland	26
West Virginia		18. Virginia	25
21. Vermont	26	Oklahoma	
Arizona		19. Missouri	24
Delaware		20. Arizona	23
Illinois		21. Delaware	22
		Idaho	

<i>Lower House</i>	<i>Number of Committees</i>	<i>Upper House</i>	<i>Number of Committees</i>
22. California	25	22. Wyoming	21
Idaho		California	
Oregon		Pennsylvania	
23. Nevada	24	23. North Dakota	20
New Hampshire			
24. Wisconsin	23	24. Ohio	19
25. Maryland	22	25. Michigan	18
Ohio		26. New Hampshire	17
26. North Dakota	20	27. Utah	16
27. Wyoming	19	28. Nevada	15
28. Rhode Island	15	New Mexico	
29. Alabama	14	29. Rhode Island	12
30. South Carolina	8	30. Wisconsin	10
31. Maine	7	31. Massachusetts	4
32. Massachusetts	6	32. Maine	2

*Part 3*

HOUSES OF STATE LEGISLATURES RANKED ACCORDING TO  
RATIO OF MEMBERSHIP TO NUMBER OF STANDING COMMITTEES

<i>Lower House</i>	<i>Ratio</i>	<i>Upper House</i>	<i>Ratio</i>
1. Massachusetts	40.00	1. Maine	16.50
2. Maine	21.57	2. Massachusetts	10.00
3. New Hampshire	16.62	3. Rhode Island	3.66
4. South Carolina	15.50	4. Wisconsin	3.30
5. Vermont	9.46	5. North Dakota	2.45
6. Connecticut	8.24	6. Pennsylvania	2.38
7. Alabama	7.57	7. Idaho	2.00
8. Rhode Island	6.66	8. California	1.90
9. Ohio	6.31	9. Ohio	1.89
10. Pennsylvania	6.30	10. Minnesota	1.86
11. Illinois	5.88	New York	
12. North Dakota	5.65	11. Illinois	1.82
13. Maryland	5.59	12. Michigan	1.77
14. Oklahoma	4.37	13. Oklahoma	1.76
15. Wisconsin	4.34	14. New Mexico	1.60
16. New York	4.16	Virginia	
17. Texas	3.48	15. Washington	1.53
West Virginia		16. South Carolina	1.48
18. Minnesota	3.44	17. Iowa	1.47
19. Georgia	3.25	18. Georgia	1.45
20. California	3.20	19. Utah	1.43
21. Florida	3.16	20. Missouri	1.41
22. Missouri	2.96	New Hampshire	
23. Wyoming	2.94	21. Kansas	1.37
24. Kansas	2.90	22. Louisiana	1.30
25. Virginia	2.85	23. Indiana	1.28
		Wyoming	

<i>Lower House</i>	<i>Ratio</i>	<i>Upper House</i>	<i>Ratio</i>
26. Mississippi	2.80	24. Montana	1.21
27. Iowa	2.76	25. Alabama	1.16
28. Washington	2.67	Colorado	
29. Louisiana	2.56	26. Nevada	1.13
30. North Carolina	2.44	27. Maryland	1.11
31. Oregon	2.40	28. Connecticut	1.09
32. Idaho	2.36	29. West Virginia	1.03
33. Indiana	2.32	30. Florida	1.00
34. Arizona	2.23	Kentucky	
35. Tennessee	2.15	Mississippi	
36. Arkansas	2.04	Oregon	
37. Montana	1.91	31. North Carolina	.96
38. Nevada	1.79	Vermont	
39. Utah	1.71	32. Tennessee	.94
40. New Mexico	1.63	33. Arizona	.82
41. Colorado	1.58	34. Texas	.79
42. South Dakota	1.47	35. Delaware	.77
43. Michigan	1.44	36. New Jersey	.70
44. New Jersey	1.42	37. South Dakota	.68
45. Kentucky	1.40	38. Arkansas	.66
46. Delaware	1.34		

The spread in upper house membership runs from a high of sixty-seven in Minnesota to a low of seventeen in both Delaware and Nevada; the spread in the lower houses runs from 399 in New Hampshire down to thirty-five in Delaware. Twenty-nine states have lower houses smaller than North Carolina's; thirty-eight have smaller senates.

The spread in number of standing committees in the upper houses runs from fifty-three in Arkansas down to two in Maine, and in the lower houses from seventy-one in Kentucky to a low of six in Massachusetts. North Carolina with fifty-two in the Senate stands at the top, and with forty-nine in the House ranks ninth from the top. Thus, both in total membership and in total number of committees North Carolina stands high numerically.

In terms of the ratio of total membership to total number of committees the lower house figures range from 40.0 in Massachusetts to 1.34 in Delaware; upper house figures range from 16.5 in Maine to 0.66 in Arkansas. If the states with excessively small numbers of separate committees but with large numbers of joint committees (Connecticut, Maine, and Massachusetts) should be omitted from consideration, the range in upper houses would run from 3.66 in Rhode Island to 0.66 in Arkansas, and in the lower houses from 16.62 in New Hampshire to 1.34 in Delaware. In the house of representatives group-

ings North Carolina stands at 2.44 (twenty-seventh from the top if the three states with many joint committees are omitted), and in the senate groupings North Carolina stands at 0.96 (twenty-eighth from the top if the same three states are dropped from the list). In both instances, then, this state stands considerably below the average figures, indicating that even though it has a legislative membership perhaps large enough to support more than the average number of committees, the number of committees is still excessive when measured by the national average ratio of total memberships to total number of committees. This is made even more positive when it is understood that being thirtieth from the top in lower house ratio means that North Carolina stands seventeenth from the bottom, and that being thirty-first from the top in upper house ratio means that it stands eighth from the bottom—rankings explained by the occasional duplication of ratios for several states.

### The Fields of Committee Work

The rules of the two houses in North Carolina list by name the committees to be appointed by the presiding officers, but they contain no description of the subject-matter to be considered by the various committees. As a general rule a given committee's area of interest can be ascertained, and then only approximately, from its title and the legislative history of bill references. There are two modifications on this broad proposition. There are rules in each house<sup>26</sup> requiring consideration of appropriations bills by the respective appropriations committees and revenue bills by the respective finance committees.<sup>27</sup> Except for these rules the presiding officers are technically free to refer any bill to any committee, subject to an appeal to the house from the reference. For such an appeal to be sustained a two-thirds vote of the members present is required,<sup>28</sup> and no such appeal has been taken in the last three sessions.

Since the best single clue to the areas in which each standing committee functions is furnished by its name, Figure C lists the exact titles.

---

<sup>26</sup> Possibly stemming from the inhibitory regulations on the passage of revenue bills found in the North Carolina Constitution, Art. II, §14, and in G.S. 143-14.

<sup>27</sup> Senate Rule 31; House Rule 63. The Senate rule simply requires that all such measures be so referred; the House rule, taking into consideration the fact that such bills often contain subject-matter in addition to that considered critical, is framed in terms of re-referral.

<sup>28</sup> Senate Rule 5; House Rule 3.

## FIGURE C

## NORTH CAROLINA GENERAL ASSEMBLY OF 1949

## STANDING COMMITTEES OF SENATE AND HOUSE

SOURCE: Senate and House Journals for 1949.

NOTE: Comparable committees in the two houses are listed beside each other.

<i>Senate Standing Committees*</i>	<i>House Standing Committees*</i>
Agriculture	Agriculture
Appropriations	Appropriations
Banks and Currency	Banks and Banking
Claims	
Commercial Fisheries	Commercial Fisheries and Oyster Industry
Congressional Districts	Congressional Districts
Conservation and Development	Conservation and Development
Constitutional Amendments	Constitutional Amendments
Corporations	Corporations
Counties, Cities, and Towns	Counties, Cities, and Towns
Courts and Judicial Districts	Courts and Judicial Districts
Distribution of Governor's Message	
Education	Education
Election Law	Elections and Election Laws
Employment Security Commission	Employment Security
Engrossed and Enrolled Bills	Engrossed Bills
Finance	Finance
General Statutes	
Immigration	
Institutions for the Blind	Commission and Institutions for the Blind
Institutions for the Deaf	Institutions for the Deaf
Insurance	Insurance
Internal Improvements	
Interstate and Federal Relations	Federal and Interstate Cooperation
Journal	Journal
Judiciary No. 1.	Judiciary No. 1
Judiciary No. 2	Judiciary No. 2
Justices of the Peace	
Library	
Manufacture, Labor and Commerce	Manufactures and Labor
Mental Institutions	Mental Institutions
Military Affairs	Military Affairs
Mining	
Penal Institutions	Penal Institutions
Pensions and Soldiers' Home	

Propositions and Grievances	Propositions and Grievances
Public Health	Health
Public Roads	Roads
Public Utilities	Public Utilities
Public Welfare	Public Welfare
Railroads	
Rules	Rules
Salaries and Fees	Salaries and Fees
Senate Expenditures	Expenditures of the House
Senatorial Districts	Senatorial Districts
State Commission for the Blind	
Teachers and State Employees	Teachers' and State Employees'
Retirement	Retirement
Veteran's Affairs	Veterans Legislation
Water Commerce	
Wildlife Resources	Wildlife Resources
<i>Senate Joint Committees**</i>	<i>House Joint Committees**</i>
Printing	Printing
Trustees of the Greater University	Trustees of University
	Enrolled Bills
	Library
	Justices of the Peace
	Public Buildings and Grounds

---

\* Senate Rule 28; House Rule 47.

\*\* Senate Rule 29; House Rule 47. It seems strange to denominate joint committees by the houses they serve since joint committees theoretically serve both houses, but it will be observed that while the 1949 House Rules Committee anticipated joint committee action in six fields the Senate Rules Committee at the same session made provision for Senate representation on only two joint committees.

If these lists are read thoughtfully and with some appreciation of the way in which bills are referred, it is possible to discern certain logical classifications among these titles, classifications that may shed light on the allocation of proposed legislation. The groupings in Figure D offer a reasonably satisfactory division of the committees according to subject-matter.

Group eleven in Figure D, Miscellaneous, requires some explanation. There is actually only one committee that deserves to be placed in this miscellaneous category, the House Committee on Public Buildings and Grounds. It alone fails to lend itself to this subject-matter classification. The other committees grouped as Miscellaneous (identical in the two houses) are *sui generis* simply because each serves a dual function or considers legislation which would normally fall in more than one of the classification groups. They have been collected

## FIGURE D

## NORTH CAROLINA GENERAL ASSEMBLY OF 1949

## CLASSIFICATION OF STANDING COMMITTEES BY AREAS OF INTEREST

SOURCE: Figure C.

1. *Internal Affairs of the Body**Senate*

Distribution of the  
Governor's Message  
Engrossed and Enrolled Bills  
Journal  
Rules  
Senate Expenditures  
Printing

*House*

Enrolled Bills  
Engrossed Bills  
Journal  
Rules  
Expenditures of the House  
Printing

2. *Political Questions**Senate*

Congressional Districts  
Senatorial Districts  
Election Laws  
Interstate and Federal  
Relations  
(Courts and Judicial  
Districts)  
(Propositions and  
Grievances)  
(Constitutional Amendments)

*House*

Congressional Districts  
Senatorial Districts  
Elections and Election Laws  
Federal and Interstate Cooperation  
(Courts and Judicial Districts)  
(Propositions and Grievances)  
(Constitutional Amendments)

3. *Financial Matters**Senate*

Appropriations  
Finance  
Claims

*House*

Appropriations  
Finance

4. *Civil and Criminal Law**Senate*

Judiciary No. 1  
Judiciary No. 2  
General Statutes  
(Constitutional  
Amendments)  
(Courts and Judicial  
Districts)

*House*

Judiciary No. 1  
Judiciary No. 2  
(Constitutional Amendments)  
(Courts and Judicial Districts)

5. *Development of the State and Conservation of Resources**Senate*

Conservation and  
Development  
Internal Improvements  
Wildlife Resources  
Public Roads

*House*

Conservation and Development  
Drainage  
Wildlife Resources  
Roads

6. *Schools and Education**Senate*

Education  
Library  
Trustees of the Greater  
University

*House*

Education  
Library  
Trustees of the University  
Higher Education

7. *Health and Welfare Matters**Senate*

Institutions for the Blind  
Commission for the Blind  
Institutions for the Deaf  
Mental Institutions  
Penal Institutions  
Public Health  
Public Welfare  
Retirement  
Pensions and Soldiers' Home  
Employment Security  
Commission  
Veterans Affairs  
Military Affairs  
Immigration

*House*

Commissions and Institutions for  
the Blind  
Institutions for the Deaf  
Mental Institutions  
Penal Institutions  
Health  
Public Welfare  
Retirement  
Employment Security  
Veterans Legislation  
Military Affairs

8. *Business, Agriculture, and Industry**Senate*

Agriculture  
Banks and Currency  
Commercial Fisheries  
  
Corporations  
Insurance  
Manufacture, Labor, and  
Commerce  
Public Utilities  
Mining  
Railroads  
Water Commerce

*House*

Agriculture  
Banks and Banking  
Commercial Fisheries and  
Oyster Industry  
Corporations  
Insurance  
Manufactures and Labor  
  
Public Utilities

9. *Local Governmental Affairs**Senate*

Counties, Cities, and Towns  
Salaries and Fees  
Justices of the Peace

*House*

Counties, Cities, and Towns  
Salaries and Fees  
Justices of the Peace

10. *Calendar Committees in each House*11. *Miscellaneous**Senate*

Constitutional Amendments  
Courts and Judicial Districts  
Propositions and Grievances

*House*

Constitutional Amendments  
Courts and Judicial Districts  
Propositions and Grievances  
Public Buildings and Grounds

as Miscellaneous, but they have also been added in parentheses to the lists in each group in which at least partially appropriate. Thus, a committee on constitutional amendments deals with matters that are sometimes political in importance, sometimes of legal importance only. Propositions and Grievances, a committee title whose North Carolina ancestry can be traced at least as far as 1739,<sup>29</sup> occupies an identical position. For example, it normally finds itself faced with proposals for local liquor regulations and state-wide referenda on the same subject-matter of both political and legal significance. The committees on courts and judicial districts, as the name implies, deal with judicial procedure and local courts as well as the essentially political question of districting for judicial and prosecution purposes.

If it is assumed that a classification of this kind offers a valid approach to the subjects considered by committees, it is possible to analyze the amount of legislation considered by each committee and then the total for each group of committees in the last three sessions of the General Assembly. Such an analysis will help reach at least tentative conclusions about the kinds of matters the legislature is asked to act upon and the division of the work-load among the various committees operating within each particular classification. This analysis appears as Figures E and F. Figure E shows the number of bills considered by each Senate and House committee in the sessions of 1945, 1947, and 1949, and then reduces those figures to percentages of the total number of bills referred. Figure F shows these figures by subject-matter groups and points out the number of committees in each group to which few bills were assigned.

<sup>29</sup> NORTH CAROLINA COLONIAL RECORDS, Vol. IV, *passim*.

FIGURE E

## NORTH CAROLINA GENERAL ASSEMBLY—1945, 1947, 1949

NUMBER OF BILLS AND PERCENTAGE OF TOTAL BILLS  
REFERRED TO EACH STANDING COMMITTEE

SOURCE: Senate and House Journals for the appropriate years.

Committee	Number of Bills and Percentage of Total Bills Considered*		
	1945	1947	1949
<i>Senate:</i>			
Agriculture	33 ( 2.8%)	32 ( 2.6%)	24 ( 1.6%)
Appropriations	64 ( 5.4%)	40 ( 3.3%)	31 ( 2.1%)
Banks and Currency	12 ( 1.0%)	5 ( 0.4%)	8 ( 0.5%)
Calendar	2 ( 0.2%)	1 ( 0.1%)	80 ( 5.3%)
Caswell Training			
School	0 ( 0.0%)		
Claims	0 ( 0.0%)	0 ( 0.0%)	0 ( 0.0%)
Commercial Fisheries	1 ( 0.1%)	6 ( 0.5%)	8 ( 0.5%)
Congressional			
Districts	0 ( 0.0%)	0 ( 0.0%)	1 ( 0.1%)
Conservation and			
Development	30 ( 2.5%)	31 ( 2.5%)	8 ( 0.5%)
Consolidated Statutes			
(General Statutes			
after 1945)	0 ( 0.0%)	2 ( 0.2%)	0 ( 0.0%)
Constitutional			
Amendments	3 ( 0.2%)	4 ( 0.3%)	4 ( 0.3%)
Corporations	2 ( 0.2%)	1 ( 0.1%)	2 ( 0.1%)
Counties, Cities and			
Towns	353 (29.9%)	305 (24.9%)	321 (21.4%)
Courts and Judicial			
Districts	42 ( 3.5%)	44 ( 3.6%)	81 ( 5.4%)
Distribution of			
Governor's Message	0 ( 0.0%)	0 ( 0.0%)	0 ( 0.0%)
Education	35 ( 3.0%)	52 ( 4.2%)	63 ( 4.2%)
Election Laws	16 ( 1.3%)	20 ( 1.6%)	9 ( 0.6%)
Engrossed and			
Enrolled Bills	0 ( 0.0%)	0 ( 0.0%)	0 ( 0.0%)
Finance	138 (11.7%)	138 (11.3%)	143 ( 9.5%)
Immigration	0 ( 0.0%)	0 ( 0.0%)	0 ( 0.0%)
Institutions for			
the Blind	2 ( 0.2%)	2 ( 0.2%)	3 ( 0.2%)
Institutions for			
the Deaf	0 ( 0.0%)	0 ( 0.0%)	0 ( 0.0%)

\* These figures include all bills actually considered in each house regardless of the house in which introduced.

<i>Committee</i>	<i>Number of Bills and Percentage of Total Bills Considered*</i>		
	<i>1945</i>	<i>1947</i>	<i>1949</i>
<i>Senate:</i>			
Insurance	15 ( 1.3%)	9 ( 0.7%)	15 ( 1.0%)
Internal Improvements	0 ( 0.0%)	0 ( 0.0%)	1 ( 0.1%)
Interstate Cooperation	0 ( 0.0%)		
Interstate and Federal Relations		4 ( 0.3%)	3 ( 0.2%)
Journal	0 ( 0.0%)	0 ( 0.0%)	0 ( 0.0%)
Judiciary No. 1	150 (12.7%)	156 (12.7%)	183 (12.2%)
Judiciary No. 2	107 ( 9.1%)	116 ( 9.5%)	128 ( 8.5%)
Justices of the Peace	4 ( 0.3%)	1 ( 0.1%)	2 ( 0.1%)
Library	4 ( 0.3%)	0 ( 0.0%)	8 ( 0.5%)
Manufacturing, Labor and Commerce	3 ( 0.2%)	7 ( 0.6%)	3 ( 0.2%)
Mental Institutions	3 ( 0.2%)	3 ( 0.2%)	2 ( 0.1%)
Military Affairs	0 ( 0.0%)	3 ( 0.2%)	1 ( 0.1%)
Mining	0 ( 0.0%)	0 ( 0.0%)	0 ( 0.0%)
Penal Institutions	2 ( 0.2%)	1 ( 0.1%)	2 ( 0.1%)
Pensions and Soldiers' Home	4 ( 0.3%)	0 ( 0.0%)	1 ( 0.1%)
Printing	0 ( 0.0%)	0 ( 0.0%)	0 ( 0.0%)
Propositions and Grievances	13 ( 1.1%)	15 ( 1.2%)	59 ( 3.9%)
Public Health	22 ( 1.9%)	16 ( 1.3%)	28 ( 1.9%)
Public Roads	18 ( 1.5%)	21 ( 1.7%)	38 ( 2.5%)
Public Utilities	5 ( 0.4%)	15 ( 1.2%)	10 ( 0.7%)
Public Welfare	11 ( 0.9%)	10 ( 0.8%)	9 ( 0.6%)
Railroads	1 ( 0.1%)	0 ( 0.0%)	1 ( 0.1%)
Recodification	2 ( 0.2%)		
Rules	2 ( 0.2%)	2 ( 0.2%)	0 ( 0.0%)
Salaries and Fees	58 ( 4.9%)	136 (11.1%)	167 (11.1%)
Senate Expenditures	0 ( 0.0%)	0 ( 0.0%)	0 ( 0.0%)
Senatorial Districts	0 ( 0.0%)	0 ( 0.0%)	0 ( 0.0%)
Teachers and State Employees Retirement		16 ( 1.3%)	15 ( 1.1%)
Trustees of the University	0 ( 0.0%)	0 ( 0.0%)	2 ( 0.1%)
Unemployment Compensation (Employment Security in 1949)	8 ( 0.7%)	4 ( 0.3%)	6 ( 0.4%)

\* These figures include all bills actually considered in each house regardless of the house in which introduced.

<i>Committee</i>	<i>Number of Bills and Percentage of Total Bills Considered*</i>		
	1945	1947	1949
<i>Senate:</i>			
Veterans Affairs	18 ( 1.5%)	5 ( 0.4%)	7 ( 0.5%)
Water Commerce	0 ( 0.0%)	0 ( 0.0%)	0 ( 0.0%)
Wildlife			21 ( 1.4%)
State Commission for the Blind		0 ( 0.0%)	0 ( 0.0%)
<i>House:</i>	1945	1947	1949
Agriculture	20 ( 1.5%)	23 ( 1.6%)	25 ( 1.5%)
Appropriations	71 ( 5.5%)	64 ( 4.4%)	66 ( 3.9%)
Banks and Banking	10 ( 0.8%)	8 ( 0.5%)	5 ( 0.3%)
Calendar	148 (11.5%)	198 (13.8%)	150 ( 8.8%)
Commercial Fisheries (and Oyster Industry, after 1945)	2 ( 0.1%)	5 ( 0.3%)	8 ( 0.5%)
Congressional Districts	0 ( 0.0%)	0 ( 0.0%)	0 ( 0.0%)
Conservation and Development	20 ( 1.5%)	25 ( 1.7%)	11 ( 0.6%)
Constitutional Amendments	4 ( 0.3%)	8 ( 0.5%)	7 ( 0.4%)
Corporations	1 ( 0.1%)	2 ( 0.1%)	4 ( 0.2%)
Counties, Cities and Towns	267 (20.7%)	251 (17.4%)	299 (17.6%)
Courts and Judicial Districts	35 ( 2.7%)	27 ( 1.9%)	92 ( 5.4%)
Drainage	0 ( 0.0%)	3 ( 0.2%)	4 ( 0.2%)
Education	42 ( 3.2%)	66 ( 4.6%)	73 ( 4.3%)
Elections and Election Laws	9 ( 0.7%)	32 ( 2.2%)	8 ( 0.5%)
Engrossed Bills	0 ( 0.0%)	0 ( 0.0%)	0 ( 0.0%)
Expenditures of the House	0 ( 0.0%)	0 ( 0.0%)	1 ( 0.1%)
Federal Relations	4 ( 0.3%)		
Finance	117 ( 9.1%)	155 (10.8%)	166 (10.0%)
Game and Inland Fisheries (1949, Wildlife)	6 ( 0.5%)	10 ( 0.7%)	28 ( 1.6%)
Health	30 ( 2.3%)	11 ( 0.8%)	34 ( 2.0%)
Higher Education	1 ( 0.1%)	5 ( 0.3%)	4 ( 0.2%)
Institutions for the Blind (1949, Commissions and Institutions for the Blind)	1 ( 0.1%)	2 ( 0.1%)	5 ( 0.3%)

\* These figures include all bills actually considered in each house regardless of the house in which introduced.

<i>Committee</i> <i>House:</i>	<i>Number of Bills and Percentage of Total Bills Considered*</i>		
	1945	1947	1949
Institutions for the Deaf	0 ( 0.0%)	0 ( 0.0%)	0 ( 0.0%)
Insurance	15 ( 1.2%)	9 ( 0.6%)	15 ( 0.9%)
Interstate Cooperation (1949, Federal and Interstate Cooperation)	1 ( 0.1%)	2 ( 0.1%)	3 ( 0.2%)
Journal	0 ( 0.0%)	0 ( 0.0%)	0 ( 0.0%)
Judiciary No. 1	163 (12.6%)	182 (12.6%)	228 (13.4%)
Judiciary No. 2	127 ( 9.8%)	118 ( 8.2%)	115 ( 6.8%)
Manufacturers and Labor	0 ( 0.0%)	4 ( 0.3%)	5 ( 0.3%)
Mental Institutions	3 ( 0.2%)	2 ( 0.1%)	4 ( 0.2%)
Military Affairs	3 ( 0.2%)	1 ( 0.1%)	3 ( 0.2%)
Oyster Industry	3 ( 0.2%)		
Penal Institutions	1 ( 0.1%)	1 ( 0.1%)	3 ( 0.2%)
Pensions (1949, Teachers and Employees Retirement)	0 ( 0.0%)	15 ( 1.0%)	22 ( 1.3%)
Printing	0 ( 0.0%)	0 ( 0.0%)	0 ( 0.0%)
Propositions and Grievances	12 ( 0.9%)	13 ( 0.9%)	57 ( 3.3%)
Public Buildings and Grounds	1 ( 0.1%)	0 ( 0.0%)	2 ( 0.1%)
Public Utilities	3 ( 0.2%)	10 ( 0.7%)	12 ( 0.7%)
Public Welfare	3 ( 0.2%)	11 ( 0.8%)	9 ( 0.5%)
Recodification	12 ( 0.9%)		
Roads	19 ( 1.5%)	30 ( 2.1%)	49 ( 2.9%)
Rules	1 ( 0.1%)	0 ( 0.0%)	0 ( 0.0%)
Salaries and Fees	102 ( 7.9%)	137 ( 9.5%)	159 ( 9.3%)
Senatorial Districts	0 ( 0.0%)	0 ( 0.0%)	0 ( 0.0%)
Unemployment Compensation (1949, Employment Security)	9 ( 0.7%)	4 ( 0.3%)	3 ( 0.2%)
Veterans Legislation	17 ( 1.3%)	4 ( 0.3%)	9 ( 0.5%)
Enrolled Bills	0 ( 0.0%)	0 ( 0.0%)	0 ( 0.0%)
Justices of the Peace	0 ( 0.0%)	0 ( 0.0%)	2 ( 0.1%)
Library	6 ( 0.5%)	0 ( 0.0%)	7 ( 0.4%)
Trustees of the University	1 ( 0.1%)	0 ( 0.0%)	3 ( 0.2%)

\* These figures include all bills actually considered in each house regardless of the house in which introduced.

## FIGURE F

NORTH CAROLINA GENERAL ASSEMBLY—1945, 1947, 1949  
ANALYSIS OF AMOUNT OF WORK CONSIDERED BY STANDING COMMITTEES  
IN EACH BROAD FIELD OF INTEREST

SOURCE: Figure E.

<i>Field of Interest</i>	<i>Number of Committees in Field</i>		<i>Percentage of Total Work of Legislature* in the Field (average of three sessions)</i>		<i>Number of Committees Assigned to Field with Little or No Work in Three Sessions</i>	
	<i>Senate</i>	<i>House</i>	<i>Senate</i>	<i>House</i>	<i>Senate</i>	<i>House</i>
1. Internal affairs of the body	6	6	0.13	0.03	....	....
2. Political questions	4	4	1.36	1.36	3	3
3. Financial matters	3	2	14.56	14.56	1	0
4. Civil and criminal law	3	2	21.63	21.13	1	0
5. Development and conservation	4	4	4.23	4.50	1	1
6. Schools and education	3	4	4.10	4.63	2	3
7. Health and welfare matters	13	10	3.73	4.70	10	7
8. Business, agriculture and industry	10	7	5.36	4.13	7	5
9. Local governmental affairs	3	3	34.60	27.50	1	1
10. Calendar	1	1	1.86	11.36	....	....
11. Miscellaneous**	3	4	6.50	5.50	1	2

\* Total work of legislature is measured in terms of total number of bills introduced.

\*\* It will be observed that bills referred to committees in this grouping have not been added to the totals for the other groupings to which they might properly be assigned (See comments on Figure D on page 15). Instead they have been totaled and the percentage of total referrals computed separately.

It is perhaps misleading to include in Figure F the first group listed, Internal Affairs of the Body, for by nature these committees are not designed primarily to consider proposed legislation. The other groups, however, are properly included, and this analysis of work-load furnishes a useful yardstick for measuring the intensity of legislative activity, field by field. The facts illustrated by this tabulation can be summarized in short order.

Of the standing committees established primarily for the consideration of proposed legislation, it is apparent that twelve of the fifty-two Senate committees and twelve of the forty-six House committees have handled the great mass of bills.<sup>30</sup> The names of those committees will bear listing; their names are substantially identical in the two houses:

Agriculture	Judiciary No. 1
Appropriations	Judiciary No. 2
Counties, Cities, and Towns	Propositions and Grievances
Courts and Judicial Districts	Health
Education	Roads
Finance	Salaries and Fees

On the other side of the ledger there are seven substantive committees in the Senate that have handled no bills at all for the last three sessions,<sup>31</sup> and three committees in the House that have experienced the same degree of inaction.<sup>32</sup> In addition to the committees not called on at all, the Senate had twenty committees no one of which in the last three sessions has handled as much as 1% of the proposed legislation.<sup>33</sup> The House had nineteen committees in the same situation.<sup>34</sup> By comparing the titles of these committees in both houses the similarity is striking, and, what is more important, it becomes relatively easy to define the areas or classifications of subject-matter in which

<sup>30</sup> For the exact percentage of all bills referred to each of these committees in each house see Figure E.

<sup>31</sup> Claims, Immigration, Mining, Senatorial Districts, Water Commerce, State Commission for the Blind, and Institutions for the Deaf.

<sup>32</sup> Congressional Districts, Institutions for the Deaf, and Senatorial Districts.

<sup>33</sup> Banks and Currency; Commercial Fisheries; Congressional Districts; General Statutes; Constitutional Amendments; Corporations; Institutions for the Blind; Internal Improvements; Interstate and Federal Relations; Justices of the Peace; Library; Manufacture, Labor, and Commerce; Mental Institutions; Military Affairs; Penal Institutions; Pensions and Soldiers' Home; Public Welfare; Railroads; Trustees of the Greater University; and Employment Security.

<sup>34</sup> Banks and Banking; Commercial Fisheries and Oyster Industry; Drainage; Higher Education; Constitutional Amendments; Corporations; Commissions and Institutions for the Blind; Interstate and Federal Cooperation; Justices of the Peace; Library; Manufactures and Labor; Mental Institutions; Military Affairs; Penal Institutions; Public Buildings and Grounds; Public Welfare; Public Utilities; Trustees of the Greater University; and Employment Security.

there is an insufficient amount of business to warrant retention of a number of committees on the basis of work-load alone.

If any thought is to be given to the realignment of the committee system in the North Carolina General Assembly it is of primary importance to keep in mind the facts illustrated by this analysis of the number of committees functioning in each broad subject-matter field, the incidence of proposed legislation in each general classification, and the division of work as between public and local bills discussed in the succeeding section.

### Determining the Importance of a Committee

If the committee system is to be evaluated, the problem of how to judge the significance of a given committee must eventually be faced, and yet there seems to be no accepted way to analyze a committee's importance. A number of standards of analysis might be suggested: (1) the importance of the kinds of bills referred to the committee; (2) popularity of the committee as attested by requests of members for assignment to it; (3) the age and tradition associated with the committee; (4) the number of members appointed to it; (5) the political significance of the committee; or (6) the number of bills assigned it for consideration and recommendation.

Certainly there could be little quibble with judging a committee's importance by the significance of the kinds of bills assigned it, but on what basis is the significance of bills to be judged? And even if that could be agreed upon, the standard would be only a partial measurement, partial because it would omit entirely any consideration of the bulk of work assigned the committee. Preference of members and political importance would reflect personal inclination, and while either or both might be of assistance in confirming the first suggested standard, they would hardly be strong enough to stand alone. Age, tradition, and size of membership fall short of the goal if an objective standard is sought. Only the sixth suggestion is left: that the importance of a committee is to be judged by the volume of work assigned to it. And this too is subject to attack, principally because it admits of no evaluation of the significance of that work, the first standard suggested. In the abstract it becomes clear that no one standard is sufficient. Yet the last has possibilities if some way can be devised to supplement it at least partially with a measurement of the significance of the work assigned.

One possible way to supply this feature presents itself. A public bill under normal circumstances requires more attention and discussion<sup>25</sup>—is more important—than a local bill, but, as has already

---

<sup>25</sup> See *infra*, page 42.

been pointed out, to reason from that premise alone in assaying the importance of individual committees might lead to ignoring those committees which handle an enormous bulk of local measures. If, however, the total volume of work assigned a given committee is divided to show what part is public bill work and what part local bill work, it is possible to bolster the measurement by volume with a partial measure of significance. Thus a committee which handles a reasonable number of bills over a period of several legislative sessions may come to be considered a "major" committee in two ways: (1) despite the fact that it may not consider an unusually large number of bills, it may qualify as "major" if the bulk of the bills referred to it are of a public or important nature; (2) despite the fact that the bulk of the bills it considers are of a local or less important nature, it may qualify as "major" if it is required to deal with an unusually large number of bills.

The journals of the two North Carolina houses for the sessions of 1945, 1947, and 1949, show (from the statistics compiled in Figure E) that twelve committees in each house (operating in identical fields, if titles can be trusted) have handled 75% of the bills introduced.<sup>36</sup> Figure G catalogues the exact statistics on these twenty-four committees for each of the three most recent legislative sessions. It is more than coincidental that the titles of the twelve committees in each house are identical; this is added evidence of the reliability of classifying committees by fields of legislative activity. These twelve committees meet the initial test for being "major" committees by having handled a reasonable number of bills through the last three sessions. The lowest number handled by any one of these committees in any one year was thirteen in the Senate and twelve in the House, but in both cases there was a very substantial rise for these committees in later sessions. No committee has been included in this list which did not average handling at least 1.5% of the total number of bills over the last three sessions. This would be a low measure of "a reasonable number of bills" if bulk alone were being considered. But under the standard outlined above, a committee which handles fewer bills can be "major" if the bulk of those bills are public and important. The agriculture and public health committees, as illustrated in Figure H, fall in this category. The preponderance of their work was with public measures. At the other extreme, among the twelve committees selected, lie the committees on counties, cities, and towns and on salaries and fees. While they handled very few public bills they handled quite substantial percentages of the total number of bills referred.

---

<sup>36</sup> See *supra*, page 24.

## FIGURE G

## NORTH CAROLINA GENERAL ASSEMBLY—1945, 1947, 1949

STANDING COMMITTEES HANDLING MAJOR PART OF  
PROPOSED LEGISLATION IN EACH HOUSE

SOURCE: Figure E.

<i>Committee</i>	<i>Number of Bills and Percentage of Total Bills Considered</i>		
	<i>1945</i>	<i>1947</i>	<i>1949</i>
<i>Senate:</i>			
Agriculture	33 ( 2.8%)	32 ( 2.6%)	24 ( 1.6%)
Appropriations	64 ( 5.4%)	40 ( 3.3%)	31 ( 2.1%)
Counties, Cities and Towns	353 (29.9%)	305 (24.9%)	321 (21.4%)
Courts and Judicial Districts	42 ( 3.5%)	44 ( 3.6%)	81 ( 5.4%)
Education	35 ( 3.0%)	52 ( 4.2%)	63 ( 4.2%)
Finance	138 (11.7%)	138 (11.3%)	143 ( 9.5%)
Judiciary No. 1	150 (12.7%)	156 (12.7%)	183 (12.2%)
Judiciary No. 2	107 ( 9.1%)	116 ( 9.5%)	128 ( 8.5%)
Propositions and Grievances	13 ( 1.1%)	15 ( 1.2%)	59 ( 3.9%)
Public Health	22 ( 1.9%)	16 ( 1.3%)	28 ( 1.9%)
Public Roads	18 ( 1.5%)	21 ( 1.7%)	38 ( 2.5%)
Salaries and Fees	58 ( 4.9%)	136 (11.1%)	167 (11.1%)
<i>House:</i>	<i>1945</i>	<i>1947</i>	<i>1949</i>
Agriculture	20 ( 1.5%)	23 ( 1.6%)	25 ( 1.5%)
Appropriations	71 ( 5.5%)	64 ( 4.4%)	66 ( 3.9%)
Counties, Cities and Towns	267 (20.7%)	251 (17.4%)	299 (17.6%)
Courts and Judicial Districts	35 ( 2.7%)	27 ( 1.9%)	92 ( 5.4%)
Education	42 ( 3.2%)	66 ( 4.6%)	73 ( 4.3%)
Finance	117 ( 9.1%)	155 (10.8%)	166 (10.0%)
Judiciary No. 1	163 (12.6%)	182 (12.6%)	228 (13.4%)
Judiciary No. 2	127 ( 9.8%)	118 ( 8.2%)	115 ( 6.8%)
Propositions and Grievances	12 ( 0.9%)	13 ( 0.9%)	57 ( 3.3%)
Roads	19 ( 1.5%)	30 ( 2.1%)	49 ( 2.9%)
Salaries and Fees	102 ( 7.9%)	137 ( 9.5%)	159 ( 9.3%)

FIGURE H  
NORTH CAROLINA GENERAL ASSEMBLY—1945, 1947, 1949  
MAJOR COMMITTEE WORK-LOAD DIVISION BETWEEN  
PUBLIC AND LOCAL BILLS

SOURCE: Senate and House Journals for appropriate years and Institute of Government journals for the same sessions.

<i>Committee*</i>	<i>Percentage of Total Bills Handled in Last Three Sessions</i>		<i>Division of Work between Public and Local Bills in Terms of Percentages</i>			
	<i>Senate</i>	<i>House</i>	<i>Senate</i>		<i>House</i>	
			<i>Public</i>	<i>Local</i>	<i>Public</i>	<i>Local</i>
Agriculture	2.3	1.5	84	16	93	7
Appropriations	3.6	4.6	96	4	96	4
Counties, Cities and Towns	25.4	18.6	2	98	1	99
Courts and Judicial Districts	4.5	3.3	16	84	18	82
Education	3.8	4.0	44	56	50	50
Finance	10.8	9.9	23	77	28	72
Health	1.7	1.7	89	11	79	21
Judiciary No. 1	12.5	12.9	60	40	60	40
Judiciary No. 2	9.0	8.3	55	45	52	48
Propositions and Grievances	2.1	1.7	15	85	12	88
Roads	1.9	2.2	97	3	94	6
Salaries and Fees	9.0	8.9	3	97	2	98

\* These twelve committees in both houses have substantially identical titles.

It is on this basis that the twelve committees in each house listed in Figures G and H have been classified as the major committees in North Carolina for purposes of this study. The remaining committees will be considered minor. Using the 1949 General Assembly as a basis for calculation, it is possible to analyze the "major" and "minor" committee situation in the following statistics:

	<i>Senate</i>	<i>House</i>
Total membership	50	120
Total number of committees	52	46
Total number of committee seats	738	1,307
Total number of "major" committee seats	234	513
Total number of "minor" committee seats	504	794
Average number of committee seats per member	14.76	10.98
Average number of "major" committee seats each	4.68	4.31
Average number of "minor" committee seats each	10.08	6.67

These figures should be kept in mind in reading the remaining portions of this study, for they play an important part in the analysis of the whole committee situation.

### **Selection of Committee Personnel**

In American practice bills are referred to standing committees according to the subject-matter of the bills. This means that in each house of each legislature there is supposedly a committee to which any measure may be referred with the assurance that the members of the particular committee will have special competence to investigate and report upon it.

In Congress there is considerable basis in fact for making this assumption, perhaps more basis in the United States Senate than in the House of Representatives. And in the average state legislature, to the extent that some members are returned and receive the same committee appointments session after session, there is some justification for presuming special competence in committees. Certainly veteran committee members are better prepared to pass judgment on bills in their fields than would be the legislature as a whole.

**Standards of Selection for Committee Posts.**—If the theoretical basis for the assignment of bills to committees is to be justified, it must be justified by committee memberships especially qualified to make recommendations within their fields of operations. Even a slight acquaintance with the facts of politics is sufficient to make it plain that biennial elections seldom result in the return of a full complement of legislators skilled in all the fields of committee activity. There are always some areas in which the legislature has no real specialists, but this will certainly not serve to prevent members from introducing proposals in those areas. Thus the committees dealing with such proposals must be staffed with members at least theoretically willing to inform themselves.

This very lack of knowledge and experience, particularly in the case of members serving their first terms, makes it imperative for the inexperienced to rely on the advice and leadership of veteran legislators. The very human situation paves the way for members with long service to exert a powerful influence in committee as well as in the parliamentary struggles on the floor.

There are times when a legislative body will contain more specialists in a particular field than there are committee places in that field to be filled. For example, the abundance of lawyers in the North Car-

olina General Assembly is a matter of general knowledge.<sup>37</sup> A common solution of the problem raised by a surplus of experts in a given field is to increase the size of the committee to which these specialists would normally be assigned. The attorney situation in North Carolina seems to have been solved by the creation of two committees on the "judiciary" in each house with neither rules nor firm custom delineating any difference in the subject-matter assigned to each. Half the attorneys are assigned to one of these committees and half to the other. The volume of "legal" proposals might justify this particular arrangement, but what would happen if instead of a surplus of lawyers there were a surplus of insurance salesmen? In the long run, the practical solution to this problem is to appoint the best qualified specialists to the committee functioning in the field and then assign the other specialists to other committees.

Even the practice of appointing the specialists in a given field to the committee functioning in that field of legislation has come in for some justifiable criticism. Suppose, for example, that all, or even a majority, of the members of a committee on insurance are themselves insurance men. What will be that committee's reaction to a bill designed to regulate insurance? Perhaps this is an extreme example, yet it is pertinent to ask whether the members of the committee could be expected to subordinate their special interest to the interest of the people at large. Some critics allege that certain manufacturing and banking interests—and, for the sake of their argument, it must be assumed that those special interests run contrary to the public interest—secure election of certain representatives in North Carolina for the sole purpose of protecting themselves by seeing to it that their proteges are appointed to strategic committee posts, thereafter relying on them to prevent favorable action on bills designed to curb those interests. A very reliable student of the southern political scene reports that in North Carolina

It would be inaccurate to portray a direct line of authority, or even of communication, from the skyscraper offices of industrial magnates to the state capitol. It would be inaccurate to suggest that North Carolina's top politicians and policy makers have been other than generally independent, conscientious citizens in the execution of their charges. The effectiveness of the [manufacturing and banking] oligarchy's control has been achieved through the elevation to

---

<sup>37</sup> Senate: 1945, 25 attorneys (50% of the membership); 1947, 30 attorneys (60%); 1949, 27 attorneys (54%); 1951, 31 attorneys (62%). House: 1945, 40 attorneys (33 1/3% of the membership); 1947, 48 attorneys (40%); 1949, 50 attorneys (41 2/3%); 1951, 51 attorneys (42 1/2%).

office of persons fundamentally in harmony with its viewpoints. Its interests, which are often the interests of the state, are served without prompting.<sup>38</sup>

Thus much of this depends upon the point of view. The very "interests" accused of engineering such elections and committee appointments may feel sure they are acting in what they conceive to be the public interest.

**Party Affiliation in the Selection of Committee Members.**—In most legislative bodies chosen in partisan elections it is customary to assign minority party members to committee posts in rough proportion to party strength. In North Carolina, however, the number of Republican legislators has been so small that application of the proportion rule has helped them little. A Republican *qua* Republican has little or no chance of exerting influence on any committee to which he is appointed. In every instance the committee contains an overwhelming majority of Democrats.

Even in their admittedly minority position the Republican members have not received as many committee assignments as the average North Carolina legislator. For example, the eleven Republicans in the 1949 House served on an average of 8.5 committees each while the average representative served on 10.98 committees. The two Republicans in the 1949 Senate served on an average of thirteen committees each while the average senator served on 14.76 committees. While the average representative held 4.31 major committee seats, the average Republican representative held 3.5. The average senator held 4.68 major committee places and the average Republican senator held about five major committee seats.<sup>39</sup> This variation from the general picture is accounted for, not by an effort to give the minority party any advantage, but by the fact that there were only two Republicans elected to the 1949 Senate.

**Method of Selecting Committee Members.**—In discussing the procedure by which members of legislative bodies are selected for committee positions it will be useful to consider procedure in the upper and lower houses separately.

Following Congressional practice, some state senate committee appointments are handled by caucus and ratification by the chamber. But there is no uniform rule among the state senates. In three-fourths of the states the lieutenant governor presides over the senate, and North Carolina is among this number. Since he is not a member of

---

<sup>38</sup> V. O. Key, Jr., *SOUTHERN POLITICS* (New York, 1949), page 211.

<sup>39</sup> The term "major" as a description of committees is used here in the sense in which it is defined *supra*, page 25 *et seq.* These statistics have been developed from the Senate and House Journals for 1949.

the upper house it is entirely possible that the lieutenant governor might belong to a political party different from that of a majority of the senators. While this particular situation might be hard to imagine in North Carolina, it is not beyond the realm of possibility that the lieutenant governor might represent a faction of the Democratic Party opposed to the faction holding a majority in the Senate. The possibility of a difference of political opinion between the presiding officer and a majority of the senate probably accounts for the fact that in some states in which the lieutenant governor presides over the senate the power to appoint senate committees has been placed in other hands. Fifteen states, however, do give the lieutenant governor this power, and he has it in North Carolina.<sup>40</sup> In the few states in which the upper house chooses its own presiding officer he is usually empowered to appoint the committees. Suffice it to say that in twenty-eight states the presiding officer of the senate appoints the senate committees.<sup>41</sup> Various systems are used in other states. In ten state senates selection of committee members is handled by some kind of committee from the membership: by the committee on committees in seven states,<sup>42</sup> by special committee in Vermont and Montana (must be confirmed by the senate), and by the rules committee in California. In five states the president pro tempore appoints the senate committees.<sup>43</sup> In South Carolina, Virginia, and Oklahoma the senates elect their standing committees. To this last group might be added Colorado, where the committees are chosen by resolution, and Rhode Island where committee members are named in the rules—presumably such a resolution and such a provision in the rules would both require a majority vote of the members for adoption.

The rules of the North Carolina Senate simply state that the lieutenant governor "shall have the exclusive right and authority to appoint all committees, regular or special, but he may delegate said authority in any instance, as he may choose."<sup>44</sup> Since this is a rule of the body, not a constitutional or statutory provision, it remains within the Senate's power to change or abolish this rule by a majority vote

---

<sup>40</sup> *Walker*, page 210. Senate Rule 12.

<sup>41</sup> Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Louisiana, Maine (but must be confirmed by the senate), Maryland, Massachusetts, Mississippi, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, Ohio, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, and Wyoming. See *THE BOOK OF THE STATES, 1950-1951*, The Council of State Governments, Chicago, 1950, page 115. This source of statistics has been used freely and will be cited hereafter as *BOOK OF THE STATES*.

<sup>42</sup> Illinois, Kentucky, Michigan, Minnesota, Nebraska, North Dakota, and Wisconsin. *BOOK OF THE STATES*, page 115.

<sup>43</sup> Connecticut, Delaware, Missouri, New York, and Pennsylvania. *BOOK OF THE STATES*, page 115.

<sup>44</sup> Senate Rule 12. See also Senate Rule 28.

when rules are being adopted at the opening of a new session, or by a two-thirds vote if it is decided to make the change after the rules have once been adopted.<sup>45</sup> It is not customary for the lieutenant governor to use his authority to delegate responsibility for the appointment of committees.

In the lower houses of the forty-seven bicameral state legislatures standing committees are appointed by the speaker as they were in Congress prior to 1911.<sup>46</sup> It was almost universal custom for state legislatures to copy congressional organization and procedure, but few states have attempted to reform their rules in the way the United States House of Representatives did in 1911. Only Nebraska and Oklahoma fail to place lower house committee appointments entirely in the hands of the presiding officer.

In making his appointments the presiding officer must, of course, abide by whatever rules the house adopts on the subject of committees. For example, he cannot appoint more standing committees than are provided for, nor may he appoint more members than the limit fixed by the rules if any limit is fixed. In North Carolina the presiding officers are bound only by the lists of committees adopted in the rules of the houses. They are not bound by instructions as to size.<sup>47</sup> In a number of states, although not in North Carolina, the speaker of the lower house serves in the additional capacity of chairman of the rules committee. In such a capacity he might be able to bring even more weight to bear on the rules affecting committees than he is able to exert through his power to name the membership of the rules committee.

**Filling Committee Vacancies.**—Standing committee members are chosen to serve for the life of the body to which they have been elected. Vacancies sometimes occur through resignation, death, expulsion, or by acceptance of other offices. It is customary to fill vacancies in the way the original appointments are made. Thus in North Carolina the presiding officers make the selections.

In bodies where the appointing authority has spent long hours in securing the exact balance of interests he desires on each committee a vacancy may damage the structure seriously. In North Carolina this is, of course, not a dangerous threat. Two recent examples will illustrate how vacancies have been handled in this state. A member of the 1947 House resigned early in the session. When the successor had qualified, the speaker appointed him to exactly the same committee posts his predecessor had vacated. When a member of the 1949 Sen-

<sup>45</sup> Senate Rule 65.

<sup>46</sup> BOOK OF THE STATES, page 115.

<sup>47</sup> See PART 3 for 1951 Senate changes.

ate died, the lieutenant governor appointed his successor (his brother) to the same posts the deceased senator had held, and even made him his brother's successor as chairman of the rules committee.

**Selection of Committee Chairmen.**—Forty-six states elect their legislators in partisan elections, and in every one of them standing committee chairmanships are reserved for members of the majority party. In fact, in cases where the number of members of the majority party in the upper house exceeds the number of available committee chairmanships by only one or two, it is not an unknown practice for the body to increase the number of committees for the sole purpose of making a committee chairmanship available to every member of the majority party in the chamber.<sup>48</sup> In North Carolina the Democrats in the Senate have not been faced with this necessity. The Senate has fifty members and has had fifty-two committees. Committee chairmen are named by the president. It may be profitable, however, to examine the allocation of chairmanships in both North Carolina houses in the three post-war sessions.

Every Democrat elected to the Senate in 1945, 1947, and 1949 was assigned at least one standing committee chairmanship. In 1945 six Democratic senators held two chairmanships each; in 1947 three were in this dual position; and in 1949 four were in this position. Yet no Republican elected to the Senate<sup>49</sup> in any of these years held a committee chairmanship.<sup>50</sup>

House committee chairmen are appointed by the speaker. In the three post-war sessions Democrats have held all the House committee chairmanships, but no member has served as chairman of more than one committee at the time.<sup>51</sup> It should be observed, however, that it is the practice of the House to use vice-chairmen for certain committees.<sup>52</sup> In 1949, for example, twenty-seven of the forty-six House committees had vice-chairmen.<sup>53</sup> The device is useful for a number of reasons: it provides needed assistance for the chairmen of busy committees; oc-

<sup>48</sup> *Walker*, page 211.

<sup>49</sup> There were three of them in 1945, two in 1947, and two in 1949.

<sup>50</sup> Senate Journals, 1945, 1947, 1949.

<sup>51</sup> House Journals, 1945, 1947, 1949.

<sup>52</sup> The 1951 Senate rules provide for vice-chairmen for all committees. See PART 3.

<sup>53</sup> In 1949 they were Agriculture, Appropriations, Banks and Banking, Commercial Fisheries and Oyster Industry, Conservation and Development, Constitutional Amendments, Counties, Cities and Towns, Courts and Judicial Districts, Education, Elections and Election Laws, Employment Security, Finance, Health, Higher Education, Insurance, Judiciary No. 1, Judiciary No. 2, Manufacturers and Labor, Mental Institutions, Propositions and Grievances, Public Utilities, Public Welfare, Roads, Rules, Salaries and Fees, Veterans Legislation, Wildlife Resources. See House Journal, 1949.

casionally it permits recognition of both factions within the majority party; it can be a relatively harmless method of paying off political obligations; and it can serve to flatter the ego of members desiring to impress constituents with the importance of their legislative careers.

### The Operations of Standing Committees

It has already been assumed that the bulk of a legislature's work consists of the consideration of bills and resolutions, each containing one or more specific proposals for adding to, amending, or abolishing existing laws of the state. Bills are the tangible evidences of the work allocated to standing committees for consideration and recommendation to the whole body. In theory at least there are several possible bases on which the presiding officer might refer a given bill to a particular committee. For example, he might refer all bills introduced by Representative X to committees of which Representative X is a member; or, he might refer all bills introduced by members from the Fourth Congressional District to one committee, all from the Third District to another, and so on. Still another possibility would be on a simple numerical basis, all bills whose numbers end in the figure "4" would be referred to Committee No. 4; or, the whole situation might be reversed and the presiding officer might name a new committee for each bill.

Some of these suggestions are absurd on the face; others are more plausible, and while the rules do not take them into consideration, occasionally they constitute *de facto* if not *de jure* bases for referrals. Of course, as has already been stated, bills are normally referred according to their objective to the committees which by virtue of tradition are established to consider bills dealing with that subject.

**Meetings and Hearings.**—When a bill has been referred to a committee the chairman becomes responsible for seeing that it is brought up for consideration. It is customary for the chairmen to set regular meeting times for the groups they head. A good many committees in the North Carolina General Assembly schedule one regular meeting each week. Committees that receive few bills naturally adopt a much less stringent schedule and often no schedule at all. Frequently, in addition to the regularly scheduled meetings, the chairman will call his committee together at other times for the consideration of one or more particular measures.

As in Congress, it is quite common for the chairman to refer certain bills to subcommittees as soon as they are brought up for discussion in the committee. In especially large committees, for example, the finance and appropriations committees of the two North Carolina

houses, this practice is very common. Recent experience indicates that the practice is being used on almost all significant legislation. Some bills are sent to subcommittees for careful study of the kind seldom possible by a large committee, some are referred in an attempt to salvage meritorious but inartistically conceived measures, and some are sent for quiet burial. Subcommittees report to the full committee, and just as the whole house normally accepts committee recommendations, so also does the full committee normally accept the recommendations of its subcommittees.

Committee meetings are designed to provide a means for investigating the need for and desirability of the proposals referred to them. Few standing committees in state legislatures (and none in North Carolina) are provided with research staffs,<sup>54</sup> and members have very limited time at their disposal for prolonged investigation of proposals before them. In the twenty-five states with legislative councils<sup>55</sup> this need for committee research staffs is at least partially met. Thus, of necessity, much of the meeting time of the committee and its subcommittees is taken up with hearing what interested people have to say about a particular measure; this, of course, means hearing from both proponents and opponents.<sup>56</sup> Members of the committee with specialized knowledge or interests can make themselves felt most effectively during and after such hearings. The very fact that many committee meetings are largely used to hear from non-members has given rise to the custom of referring to committee meetings as hearings. Except for budget measures, full-scale public hearings are held on only a small percentage of the bills introduced in North Carolina.

Even if the committee is a busy one, and even if its chairman is conscientious in setting a regular schedule for committee meetings, there is always the problem of where to meet. In common with legislative committees in practically all states, North Carolina committees must meet wherever they can find space in and near the Capitol. There are never enough rooms for each committee to have one of its own, and the result is considerable confusion and conflict.<sup>57</sup> A few major committees are assigned permanent meeting places.

---

<sup>54</sup> In North Carolina the Department of Revenue and the Department of Tax Research do practically all the research required by the "money" committees. The Attorney General's office provides an extremely useful bill-drafting service for legislators, but the exigencies of time make it impossible for this staff to do exhaustive research on proposed legislation.

<sup>55</sup> BOOK OF THE STATES, page 125.

<sup>56</sup> The witness called to appear before a committee who fails to appear is subject to criminal sanctions, G.S. 12-227, and he can be punished for perjured testimony, G.S. 14-211.

<sup>57</sup> This situation was somewhat improved in 1951.

Notification of committee meetings is another source of confusion. In North Carolina it is customary to post the time and place of meetings on an easily observed bulletin board. In Raleigh this board is kept in the rotunda of the Capitol. In addition, it is customary for committee chairmen to have the reading clerk of the body announce meetings in open session, and frequently when the rush starts about mid-way the term chairmen make announcements from the floor. The bulletin board is often not kept current, and, more often, the oral announcement comes very shortly before the meeting is supposed to take place. "A frequent sight is that of a harassed committee chairman . . . calling a committee meeting 'just a few minutes after adjournment' in some crowded corner of the hall to consider ten or twelve bills."<sup>58</sup>

Often these quickly called meetings have real justification, but "more often such meetings are arranged at the request of a lobbyist who wishes to make it difficult if not impossible for his opponents to appear and testify at the committee hearing. Snap meetings are a very undemocratic procedure, as they prevent attendance by few except paid lobbyists."<sup>59</sup>

In North Carolina one newspaper published in Raleigh carries a daily schedule of all committee meetings called before it goes to press. Many legislators rely on this notice entirely.

It is pertinent to observe that the rules of the North Carolina houses contain no provisions requiring public notice of committee meetings,<sup>60</sup> and no provisions for places for committees to meet. The reluctance to make rules on these subjects does not seem to be confined to North Carolina. A 1931 survey indicated that twenty-seven of the forty-eight state legislatures had no rules at all on the subject of committee meetings, and regulations in the remaining states were extremely sketchy. Only eight states had rules dealing specifically with public hearings.<sup>61</sup>

In some states regular meeting schedules for committees are provided by the rules. Public hearings, under the New Hampshire rules, must be held on every bill referred to a committee. In a number of states the committee is required to hold a public hearing on a bill if one is requested either by the introducer or, in some cases, by any

---

<sup>58</sup> James D. Phillips, "The Committee System," an unpublished manuscript dated June, 1949, in the possession of the Institute of Government.

<sup>59</sup> Walker, page 240.

<sup>60</sup> The one possible exception to this statement is found in House Rule 67.

<sup>61</sup> Winslow, Chapter I, *passim*. This study contains a full discussion of the problem.

“interested person.” In common with a number of states the rules of the North Carolina House provide:

The chairman of all committees shall notify, or cause to be notified, the first named introducer on such bills as are set for hearing before their respective committees, the date, time and place of such hearing.<sup>62</sup>

Nebraska’s unicameral legislature has perhaps the only rigid rule about notice of meetings. Its rules require five days’ notice of every committee meeting and announcement, not only in the daily published journal and on the bulletin board, but also in the newspapers. This notice must include a list of the bills to be considered.

**Quorum in Committee Meetings.**—A committee may function only upon the appearance of a quorum. Just what constitutes a quorum varies from state to state. A number of legislatures define a quorum as a majority of the members of the committee. In Iowa it is seven members or a majority; in Virginia it is a majority or five members. In North Carolina the lower house rules state that the chairman and five other members of any committee constitute a quorum.<sup>63</sup> The upper house rules do not define a quorum specifically, but in substance the rules indicate that a majority constitutes a quorum for acting on bills.<sup>64</sup>

If there are a large number of committees with large memberships, the problem of obtaining a quorum becomes difficult. Committees considering legislation of general interest will have little difficulty, but often chairmen of committees which deal with less popular measures find themselves hard put to it to attract their members. Even if a quorum is obtained, it often disappears quickly, although once a member has answered he is considered to be present “constructively” and can be called on to sign the committee report.<sup>65</sup> Adjournment of standing committee meetings for lack of a quorum is not an unusual occurrence. This causes difficulty for members who have arranged to be present and even greater inconvenience and expense for individuals who have traveled long distances to be heard. Obviously it delays the passage of bills.

**Procedure in Committee Meetings and Hearings.**—Professor Harvey Walker provides an interesting description of the scene in a typical committee meeting:

---

<sup>62</sup> House Rule 67. While the Senate rules do not mention the point, the same practice is adhered to.

<sup>63</sup> House Rule 69.

<sup>64</sup> Senate Rule 32. In 1951 the rules were amended to make this specific. See PART 3.

<sup>65</sup> *Walker*, page 240.

The committee is assembled around the table, either in the center or at one end of the room. The witnesses to be heard are seated in chairs at one end of the room or around the wall. These include members of the legislature from either house, employees of the legislature or of the executive department (occasionally an employee of the judicial department), at times local government officers or employees, and a few, sometimes quite a few, private citizens. These may be lobbyists, or officers, or employees of citizen organizations speaking for their own and other groups, or just plain citizens speaking for themselves.<sup>66</sup>

The meeting is not well-organized. Those seeking to be heard are sometimes asked to give their names to the committee clerk or chairman and indicate whether they wish to speak in favor or in opposition to the bill under discussion. Normally the chairman will call on the introducer of the bill to explain it before he permits other persons to be heard. Then any witnesses present are heard. Questions from members are normally in order at any time.

Often the committee will proceed to vote immediately. If the measure contains possible complications it may first be referred to a subcommittee for study and report. If the committee thinks the bill should pass with some minor amendment that amendment is usually drafted by the member suggesting it, but if the amendment is major or if the committee decides to write a substitute bill the chairman will usually refer the matter to a subcommittee. The subcommittee will meet later, consider the matter, and report to the full committee.

The rules of the two houses in North Carolina are silent on the power of standing committees to hold executive sessions. In many states the rules explicitly provide for such sessions, and in such states final action of the committee takes place behind closed doors. In North Carolina committees occasionally adopt the executive session procedure, but it is not used to a marked degree. Critics of the executive session are numerous and vocative. Professor Walker states the case in this way:

With the exception of debates on foreign affairs in Congress, there would seem to be no occasion when a democratic assembly should transact any business in secret. Those who have an interest in the legislation have a right to know just what is said about it by each member of the committee and just how each member votes. . . . If the committee members are not sure of themselves and want to cloak their ignorance,

---

<sup>66</sup> Walker, page 242. For discussion of procedure before certain joint committees see *infra*, page 52.

the people need to take steps to improve the quality of membership. If they are afraid of reprisals, the electorate should choose men with more courage. If they are anxious to conceal their subservience to pressure groups, some action would appear to be required to choose men with more honesty.<sup>67</sup>

According to the latest available tabulation, fifteen states now require that all committee hearings be open to the public, and with thirty-two the matter is left in the committee's discretion.<sup>68</sup> This particular tabulation, based on the answers received to questionnaires, is not completely reliable. For example, it lists North Carolina among those states in which all committee hearings must be open to the public, but, as a matter of fact, as we have seen, there is no such requirement in this state. There is, however, a statutory requirement that joint hearings before the appropriations committees must be open to the public, and by implication the statute applies to joint hearings before the two finance committees.<sup>69</sup>

**Committee Records.**—The records kept by committees of state legislatures vary both among the states and within individual states from committee to committee. It is fairly common to require the committee clerk to keep "minutes" of committee meetings. Those minutes will show the day and hour of the meeting, the names of committee members present, the list of bills considered, the names of the persons who appeared both for and against measures, and the action taken by the committee. Some minutes are not even this complete. Several states require complete and detailed records of all committee action. For example, they include the text of amendments, and, most significantly, a record of how each member voted on each bill. The rules of the North Carolina houses, in common with those of most states, contain no requirements about committee records.

**Speed of Committee Action.**—The length of time the average committee consumes in the consideration of the average bill referred to it can be determined mathematically, but the process would be extremely long and painstaking. The need for some reliable conception of how long it takes a committee to deal with bills, however, is obvious. To answer this question a different, and perhaps as helpful approach has been taken. A study has been made of the average number of days each of certain selected committees expended in the consideration of the average bill referred to it in the General Assembly of 1949. The committees selected for this study were chosen (1) because they

---

<sup>67</sup> *Walker*, page 244.

<sup>68</sup> *BOOK OF THE STATES*, page 115.

<sup>69</sup> See G.S. 143-14 quoted *infra*, page 52.

FIGURE I  
NORTH CAROLINA GENERAL ASSEMBLY OF 1949  
THE SPEED OF COMMITTEE ACTION—A STUDY OF  
FOUR MAJOR COMMITTEES IN EACH HOUSE

SOURCE: 1949 Senate and House Journals.

Committee	Number of Members of Committee		Number of Bills Considered		Average Number of Days Spent in Considering Average Bill					
					Senate			House		
	S	H	S	H	Senate Bills	House Bills	All Bills	House Bills	Senate Bills	All Bills
Agriculture (Senate: 84% Public, 16% Local; House: 93% Public, 7% Local)	26	59	24	25	7.11	8.18	7.70	11.90	8.88	10.55
Education (Senate: 44% Public, 56% Local; House: 50% Public, 50% Local)	25	51	63	73	9.68	5.29	6.93	9.10	5.26	7.82
Judiciary 1 (Senate: 60% Public, 40% Local; House: 60% Public, 40% Local)	13	25	183	228	6.80	4.60	5.30	13.28	13.80	13.63
Salaries and Fees (Senate: 3% Public, 97% Local; House: 2% Public, 98% Local)	7	20	167	159	3.84	4.05	4.01	6.41	5.79	6.29
Averages					6.86	5.53	5.99	10.17	8.43	9.57

fell in the group of twelve major committees in both houses and (2) because, among that twelve, they furnish examples of committees whose work ranged from 98% local bills to 93% public bills. The results are set out in Figure I.

These figures show that the four Senate committees required 5.99 days to consider the average bill before them, and the four House committees used 9.57 days per bill. This represents a 3.58 day difference between the two houses. It will also be observed that the Senate committees spent more time on the consideration of Senate bills than they did on House bills, while House committees spent more time on House bills than on Senate bills. This fact tends to reflect a certain sense of mutual respect between the committees of the two houses.

Perhaps the most interesting fact indicated by Figure I is the difference in the speed with which committees handled public and local bills. It will be observed that the agriculture committees in both houses considered public bills almost exclusively, while the salaries and fees committees dealt almost exclusively with local bills. The average bill stayed in the Senate Agriculture Committee 7.70 days and in the House Agriculture Committee 10.55 days. On the other hand, the average bill stayed in the Senate Salaries and Fees Committee 4.01 days and in the House Salaries and Fees Committee 6.29 days. The difference in average time consumed per bill by the agriculture and salaries and fees committees in both houses is slightly more than three days. Not only is this reliable testimony of the commonly accepted belief that committees speed local bills through if they hear no local objections, but it also bolsters the earlier assumption that, bill for bill, public bills are considered more important than local bills.<sup>70</sup>

Figure I is important for other reasons. In every case illustrated the House committee was composed of more members than the comparable Senate committee, yet in no case did a committee in one house consider more than 10% more bills than its counterpart. In every case illustrated (except one extremely minor one) the Senate committee, in all comparisons, consumed an appreciably shorter period in considering the average bill referred.

### Committee Reports

**Form and Technical Requirements.**—When a standing committee has reached a decision on a particular bill it must prepare a report of its recommendations to the full body. The decision will be either

---

<sup>70</sup> See discussion of how to determine the importance of a committee, *supra*, page 25.

favorable or unfavorable to passage of the measure. In North Carolina the formula or style for the report is "that the bill do pass" or "that the bill do not pass." There are three kinds of favorable committee reports: (1) a recommendation that the bill pass in the form in which it was introduced, (2) a recommendation that the bill pass after amendments recommended by the committee have been adopted, and (3) a recommendation that the bill as introduced not pass but that a substitute for it drafted by the committee be adopted and passed. In legislative jargon these are shortened to "favorable," "favorable as amended," and "favorable as to committee substitute." On rare occasions a committee will report a bill "without prejudice," an expression indicating that the committee desires to make no recommendation. Such a report does not enhance the bill's chances for passage.

The rules of the North Carolina Senate require that the committee report on a bill list the names of the members of the committee making the report,<sup>71</sup> and state that a majority of the committee members were present when the bill was considered and that they voted on it.<sup>72</sup> The House rules contain no provisions of this kind. All committee reports, however, must be signed by the chairman.

The rules of the North Carolina houses do not require the committee to make any statement justifying its recommendations. In fact such a requirement appears in the rules of only one American legislative body, the unicameral house in Nebraska.<sup>73</sup>

**Must Committee Report All Bills Referred?**—The latest tabulation on the point indicates that eighteen state legislatures now require standing committees to report on all bills referred to them, and that thirty do not.<sup>74</sup> These statistics are subject to question, however, for North Carolina is listed among the eighteen. In point of fact the North Carolina House does have such a requirement,<sup>75</sup> but the Senate rules are silent on it. Even under the rule, House committees do not follow it in every instance. In 1949, for example, at least sixty bills originating in the House and referred to House committees received the silent treatment.<sup>76</sup> It is true that many of this number were

---

<sup>71</sup> Senate Rule 46.

<sup>72</sup> Senate Rule 32.

<sup>73</sup> Armand B. Coigne, *STATUTE MAKING* (New York, 1949), page 199.

<sup>74</sup> *BOOK OF THE STATES*, page 115. This listing includes the following as requiring that all bills be reported: Arkansas, Idaho, Kansas, Louisiana, Massachusetts, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Carolina, North Dakota, Oregon, Utah, Wisconsin, Wyoming, and California and Colorado. The practice in the last two states is for committees to report all bills not acted on at the last day of the session without recommendation.

<sup>75</sup> House Rule 54.

<sup>76</sup> In 1951 the number was 110.

combined into omnibus measures, that some of them were identical with Senate bills, and that some of them were not reported on at the request of their introducers, but the fact remains that a fair number of them did not fall in any of these "excusable" groups.<sup>77</sup>

Those legislative bodies which require all bills to be reported customarily set time limits on committee consideration. The rules of three states are representative.

(1) Massachusetts rule: Committees are required to make a final report not later than March 10 on all bills and petitions referred to them before March 1, and within two weeks after reference on matters referred to them after March 1.<sup>78</sup> The time within which joint committees are required to report may be extended by concurrent vote. If no report has been agreed upon within the time required the chairman must report the bill for reference to the next session. Suspension of this rule requires a four-fifths vote of each house.<sup>79</sup>

(2) Wisconsin rule: The committee must report every second week on the number of bills it holds. Each bill must be taken up by the committee to which referred within two weeks after reference and if not disposed of by that time a date must be fixed for a hearing.<sup>80</sup>

(3) New York rule: All committees must make final report on all bills referred to them by April 5.<sup>81</sup>

**Forcing a Committee to Report or Release a Bill.**—Occasions arise when members of a legislative body desire to force a committee to report on a bill before it which, for some reason, the committee has failed or refused to act upon. This situation has given rise to a number of rules in the state legislatures. Some rules simply provide that when a given period has elapsed without report the bill is automatically returned to the floor; others provide for bringing bills back to the floor by the vote of varying majorities of the house.

In North Carolina the Senate rule reads as follows:

When a bill has been introduced and referred to a committee, if after ten days the committee has failed to report thereon, then the author of the bill may, after three days' public notice given in the Senate, on motion supported by a vote of two-thirds of the Senators present and voting, recall the same from the committee to the floor of the Senate for consideration and such action thereon as a majority of the Senators present may direct.<sup>82</sup>

<sup>77</sup> Senate and House Journals, 1949.

<sup>78</sup> *Rules of Massachusetts House of Representatives*, Rule 33.

<sup>79</sup> *Massachusetts Joint Rules*, Rule 10.

<sup>80</sup> *Rules of the Wisconsin Assembly*, Rule 27.

<sup>81</sup> *Rules of the New York Assembly*, Rule 21.

<sup>82</sup> Senate Rule 66.

The rule of the North Carolina House is identical with that of the Senate.<sup>83</sup> The substance of these rules can be summarized as follows:

(1) No action to withdraw a bill from committee or force a report can be taken until the bill has been in the committee's hands for at least ten days.

(2) Only the author of the bill is entitled to initiate action to withdraw.

(3) The author must give three days' notice of his intention to move to withdraw the bill by announcement on the floor.

(4) The author's motion must be supported by the vote of two-thirds of the members of the body who are present and voting at the time the motion to withdraw is made.<sup>84</sup>

By way of comparison the rules of the Minnesota House of Representatives are of interest:

At any time, by a majority vote, the house may recall any bill from committee and put it on the calendar.<sup>85</sup> The rules provide another procedure by which the author or introducer of a bill may force it out of a committee's hands:

(1) No action to withdraw can be taken until the committee has had the bill for fifteen legislative days.

(2) When that period has elapsed the author may request the bill's return to the floor, and when made, this request is entered in the journal.

(3) After the request is made the committee is allowed seven days in which to act on the bill.

(4) If the committee takes no action within the seven-day grace period, the author may, within five days thereafter, demand in writing that the bill be returned. This second demand is also entered in the journal and constitutes the official demand for the bill's return. When properly made, the bill is deemed to be in the possession of the house automatically, and it is placed at the bottom of the calendar for the following day, subject to re-reference.<sup>86</sup>

**Revision Agencies.**—When bills are introduced they often contain examples of poor drafting. They duplicate existing statutes, and they often conflict with existing statutes without specifically repealing them. The substance or objective of such bills may meet with committee approval, but when the committee reports them favorably and they are passed without in some way taking care of these defects, the consequences are frequently almost as bad as the state of the law

---

<sup>83</sup> House Rule 57.

<sup>84</sup> For discussion of the significance of this rule in the House see Appendix I.

<sup>85</sup> *Walker*, pages 247-8.

<sup>86</sup> *Ibid.*

before the bill was enacted. The rules of three state legislatures will serve to illustrate three attempts at solving this problem common to all legislatures.

In Wisconsin when a committee desires to report a bill with amendments, the chairman must refer the bill and amendments to a committee on revision. This committee examines the bill and proposed amendments, then approves or disapproves them from the standpoint of form and compliance with the rules. It makes no substantive recommendations. Its recommendations as to form are reduced to writing and returned to the chairman of the original committee. When the original committee makes its report to the floor it must state that this referral has been made and that the suggestions have been considered, whether they have been adopted or not.<sup>87</sup>

In New York, prior to third reading, all bills (except senate bills not amended in the house) are referred to a committee on revision. This committee is required to correct them for the purpose of avoiding repetitions and unconstitutional provisions, insuring accuracy in the text and references and consistency with the language of existing statutes. It is also responsible for reporting on whether the object sought to be accomplished can be secured without a special act, under existing laws, or without detriment to the public interest by enactment of a general law. Any change in the sense or legal effect is reported to the house as a recommendation and not as an amendment.<sup>88</sup>

In Ohio reference and study takes place before the bill is referred to any standing committee, and again before the bill is reported to the house by the committee to which referred.<sup>89</sup>

It will be observed that revision takes place at three different points in the legislative process in the three rules described. The Ohio plan sifts out the undesirable proposals and makes committee consideration and house action on them unnecessary, thereby protecting the house from poorly conceived committee changes. The Wisconsin system places responsibility for sifting on the committees and assures the house that when a measure is taken up for debate and amendment on the floor it is in proper form. The New York plan prevents the final passage of badly conceived and badly drafted bills, but does not offer any assistance to committees or to the house prior to third reading.

Any extended practical experience in the North Carolina General Assembly is sufficient to bring home the unfortunate truth that a need exists for some form of revision agency. The rules of the two houses,

---

<sup>87</sup> *Rules of the Wisconsin Assembly*, Rule 35.

<sup>88</sup> *Rules of the New York Assembly*, Rule 19.

<sup>89</sup> *Walker*, page 248.

however, make no provision for handling the problem. The committees are left completely responsible. Since their interest will necessarily center around the substantive merits of a proposal they have little time left to consider the formal and technical aspects of the particular bill, nor, for that matter, whether it is a duplication of existing laws.

Perhaps the ideal solution would embody elements of all three systems described. A single committee could handle the task.

(1) Sifting before reference to a standing committee would save much committee and house time and greatly decrease the need for revision at later stages.

(2) The committee charged with sifting before reference could also be charged with reviewing committee amendments and substitutes from the standpoint of style and effect (as is done in Wisconsin). The need for committee amendments would be reduced materially by early examination and correction, so the bulk of this work would not be as large as if there were no preliminary screening.

(3) The possibility of ill-considered floor amendments makes most important the revision of bills so amended before final passage. Thus, if the measure is amended on the floor, and only then, it could be returned to the same committee for review and revision (as in New York).

**Minority Reports.**<sup>90</sup>—Committee action on a bill is decided by majority vote. All American legislative bodies, however, provide methods by which those members of the committee who vote in the minority may get their views before the whole body officially. This is done by way of a minority report signed by those favoring it. This report gives the minority's recommendations concerning the bill and sometimes includes the reasons for the position taken.

In the North Carolina Senate a minority report can be considered by the body only if it bears the signatures of at least three members of the committee who were present and who voted on the bill when it was considered by the committee.<sup>91</sup> In the House a minority report can be considered by the body only if it is signed by one-fourth of the members of the committee who were present and who voted when the bill was considered in committee.<sup>92</sup>

When the committee has reported a bill unfavorably and that report is accompanied by a minority report signed by the requisite number of committee members, the question before the body is the

---

<sup>90</sup> The significance of North Carolina legislative rules on the subject of minority reports is discussed in Appendix I.

<sup>91</sup> Senate Rule 51a.

<sup>92</sup> House Rule 71.

adoption of the minority report. In the Senate the rule states that the minority report is placed on the calendar when received and must be considered on the following day, and in practice this is also what happens in the House. At any rate, in both houses the question when the item is reached on the calendar remains the same: Shall the minority report be adopted? The minority report requires only a majority vote for adoption by the body. If the minority report is adopted the bill takes its place on the calendar. If the minority report is not adopted the bill is placed on the unfavorable calendar in accordance with the recommendation of a majority of the committee.<sup>93</sup> The vote on the minority report itself is not, of course, a vote on the merits of the bill.

### The Committee on Rules

In the United States it is customary for every legislative body to have a committee on rules. This committee serves a purpose quite different from that of other standing committees. Normally it considers no bills and holds no hearings. It is designed to prepare proposals for changes in standing rules, either on its own motion or upon the request of the body, and from time to time to propose temporary rules for handling certain pending measures. Essentially the committee has a political nature, and it is not unusual for it to contain no minority party members.<sup>94</sup>

In North Carolina the chairmen of the two rules committees perform one function that might be considered peculiar for such positions, but it serves to illustrate the political character of the committees they head. Under G.S. 120-34 the rules committee chairman for each house is directed to classify the laborers assigned to his house into those of the first and second class and certify his classifications to the principal clerk so that the laborers may be paid accordingly. (There was a total of twenty-three laborers in the 1949 Senate and seventeen in the 1949 House.<sup>95</sup>)

In a large number of state legislatures, in addition to its rules functions, the rules committee acts as a steering committee in the closing days of the session. The North Carolina House rules are drafted to give such power to the House Rules Committee,<sup>96</sup> but in this state the expediting function is performed by "calendar committees"

---

<sup>93</sup> Senate Rule 51a; House Rule 71.

<sup>94</sup> *Walker*, page 216. The 1949 House Rules Committee was composed of thirty-three Democrats and one Republican; the 1949 Senate Rules Committee was composed of fourteen Democrats.

<sup>95</sup> 1949 Senate Journal, pages 731-32; 1949 House Journal, page 1214.

<sup>96</sup> House Rule 58.

appointed by the presiding officers late in the session if they consider them desirable.

### The Calendar Committee in North Carolina

In legislatures in which the rules committee is responsible for steering proposals through passage in the closing days of a session, that committee selects from the mass of bills on the calendar those which it feels should be considered on the floor, and by varying methods steers those bills to a position on the calendar that will guarantee action. Under the calendar committee system in this state the procedure is somewhat different. Where the job is left to the rules committee that committee does not supplant the standing committees. Where the expediting function is assigned to a calendar committee, bills are referred to it upon introduction or re-referred from other committees, so to some extent it serves as an additional standing committee, and to that extent it supplants other standing committees.

It is important to understand that the appointment of calendar committees is considered an emergency measure. As might be expected, such a committee is normally appointed in the House earlier than in the Senate. The House initiates considerably more legislation, thus its standing committees have more legislation to consider. In 1945 the speaker appointed a calendar committee in the House on the sixtieth legislative day of a sixty-seven day session; in 1947 the House Calendar Committee was appointed on the sixty-ninth legislative day of a seventy-six day session; and in 1949 the House Calendar Committee was appointed on the eighty-second day of a ninety-four day session. In the Senate no calendar committee was appointed in 1945 or 1947; in 1949 the president appointed a calendar committee in the Senate on the ninety-first legislative day of a ninety-four day session.<sup>97</sup> The time of appointment is significant, because it reflects the size of the backlog of bills in the committees or lack of it at the time appointed.

The size of the calendar committee is of some interest. If its avowed purpose is to screen legislation and expedite the floor consideration of measures of importance, then the number of members assigned to this committee and their general characteristics may well be an indication of the presiding officer's opinion of the kind of committee that will work speedily with intelligence and to the satisfaction of a majority of the members.

---

<sup>97</sup> In 1951 a calendar committee was appointed in the House on the eighty-fourth day of a ninety-five day session, and one was appointed in the Senate on the ninety-fourth day of the session.

The Senate Calendar Committee of 1949 was composed of seven members. The House Calendar Committee was composed of seven members in 1945, nine in 1947, and nine in 1949. The average standing committee in North Carolina is consistently larger than the calendar committees: House committees averaged 31.9 members each in 1945, 35.4 in 1947, and 28.4 in 1949; Senate committees averaged 14.9 members each in 1945, 15.6 in 1947, and 14.2 in 1949.

Since calendar committees are relatively small in comparison with the average standing committee it may be profitable to look more closely at the personnel selected for positions on these expediting agencies.

The president of the 1949 Senate chose as his Calendar Committee the chairmen of two major<sup>98</sup> and five minor<sup>99</sup> committees. Six of these men were lawyers, and all but one had previous experience in the General Assembly.<sup>100</sup>

The speaker of the House chose as his Calendar Committee in 1945 and 1947 the following members:

<i>In 1945</i>	<i>In 1947</i>
The chairmen of the following committees:	The chairmen of the following committees:
Propositions and Grievances	Judiciary No. 1
Insurance	Public Welfare
Constitutional Amendments	Constitutional Amendments
Roads	Manufacturers and Labor
Unemployment Compensation	Insurance
Counties, Cities, and Towns	Counties, Cities, and Towns
Finance	And three representatives who were not acting as committee chairmen

In 1949 the speaker of the House chose one representative who did not head any standing committee and the chairmen of three major<sup>101</sup> committees and five minor<sup>102</sup> committees as his Calendar Committee.<sup>103</sup>

<sup>98</sup> Judiciary No. 1 and Courts and Judicial Districts.

<sup>99</sup> Conservation and Development; Manufacturing, Labor, and Commerce; Banks and Currency; Railroads; and Wildlife Resources.

<sup>100</sup> In 1951 the Senate Calendar Committee was composed of seven members (six of them lawyers) who occupied the following positions: chairmen of the committees on Agriculture, Education, Appropriations, Finance, Judiciary No. 1, Rules, General Statutes, and Veterans and Military Affairs, and vice-chairmen of the committees on Appropriations, Courts and Judicial Districts, Finance, Judiciary No. 1, and Rules.

<sup>101</sup> Judiciary No. 1; Judiciary No. 2; Propositions and Grievances.

<sup>102</sup> Journal; Public Welfare; Manufacturers and Labor; Wildlife Resources; and Higher Education.

<sup>103</sup> The 1951 House Calendar Committee was composed of nine lawyers, who occupied the following positions: chairmen of the committees on Agriculture, Education, Finance, Public Utilities, Rules, and Public Buildings and Grounds, and vice-chairmen of the committees on Education, Finance, Public Utilities, and Roads.

In the House, as in the Senate, the number of lawyers on the calendar committee has been consistently large. This can be accounted for by the fact that there are always a large number of lawyers in each house, but it also hints that the presiding officers feel that members with legal experience are better prepared to cope with formalized proposals for legislation than individuals without detailed knowledge of the law and legal procedure.

Other than the tendency to fill calendar committees with lawyers, perhaps the only personnel pattern followed is to appoint a calendar committee composed of intelligent men with legislative experience who can be relied upon to respect the general desires of the party and faction holding a majority position in the chamber. And perhaps as important as this is the consistently small number of members appointed to these committees.

### Joint Committees

A joint committee in the true sense is one containing members from each house of the legislature, sitting together under one chairman for single hearings on proposed legislation, and rendering identical reports to the two houses as to the disposition recommended.<sup>104</sup> In a sense conference committees<sup>105</sup> are joint select committees. Occasionally there are joint interim committees designed to investigate and make reports to the whole body.

In three states the great bulk of legislative business is handled through joint committees. Massachusetts has thirty joint committees with an average of seven senators and nineteen representatives on each. Maine has thirty-eight joint committees with an average of three senators and seven representatives on each. In Connecticut there are thirty-seven such committees with an average of two senators and thirteen representatives on each. In these three states, in addition to the joint committees, each house has a few separate standing committees. For example, there are separate committees on rules, privileges and elections, and in the upper houses, frequently there are committees on executive nominations.<sup>106</sup>

Rules of other state legislatures provide for a few joint committees. Such rules, however, are really only authorizations to hold joint meetings if the chairmen feel such a procedure to be desirable.

It is generally felt that the advantages of the wide use of joint committees include elimination of a second hearing as well as im-

---

<sup>104</sup> Maine, Massachusetts, and Connecticut lead the field in the number of joint standing committees. *Walker*, page 214.

<sup>105</sup> Discussed *infra*, page 53.

<sup>106</sup> *Walker*, page 218.

proving the chance that the committee will obtain from its hearing a well-rounded picture of the problems involved in the proposed legislation. Furthermore, since there will not be one set of witnesses appearing before one committee and another set appearing before the other committee, the stories the two houses hear will not disagree. In addition, the expense witnesses must bear in coming long distances to attend committee meetings can be materially reduced if they need appear only once, and of course, both committee members and witnesses save much time.

The North Carolina joint committee situation is disorganized. Rule 47 of the 1949 House provided for joint committees on Enrolled Bills, Justices of the Peace, Library, Printing, Public Buildings and Grounds, and Trustees of the University. Rule 29 of the 1949 Senate, however, provided for joint committees on only Printing and Trustees of the Greater University. This lack of uniformity in the rules of the two houses in a single session illustrates the haphazard attitude of the General Assembly toward the joint committee system. This is also illustrated by the fact that each house employs secretarial assistance for its committee on University trustees. And if still further illustration of the point is needed, it is this: the 1949 Senate had no committee at all on public buildings and grounds.

Aside from rule requirements a partial joint committee system has been developed in North Carolina based on both statutes and custom.

G.S. 143-14 requires the appropriations committees (and, by implication, the finance committees) of the two houses to sit jointly in open sessions while considering the state budget at each biennial session of the General Assembly. The statute continues to define the scope of the joint committee meetings and authority:

Such consideration shall embrace the entire Budget plan, including appropriations for all purposes, revenue, borrowings and other means of financing expenditures.

Such joint meetings shall begin within five days after the Budget has been presented to the General Assembly by the Governor.

This joint committee shall have power to examine under oath any officer or head of any department or any clerk or employee thereof; and to compel the production of papers, books of account, and other documents in the possession or under the control of such officer or head of department.

This joint committee may also cause the attendance of heads or responsible representatives of a department, institution, division, boards, commission, and agencies of the State, to furnish such information and answer such questions as the joint committee shall require.

To these sessions of the joint committee or sub-committees shall be admitted, with the right to be heard, all taxpayers or other persons interested in the estimates under consideration. . . .

The said joint committee or any sub-committee shall have full power and authority to punish for disobedience of its writs or orders requiring persons to attend such hearings and to answer under oath such questions as may be put to them by such committee or anyone acting in its behalf. . . .

In so far as this section prescribes the method and manner of hearings before such committees this section shall be considered and have the force of a rule of each branch of the General Assembly until and unless a change has been made by an express rule of such branch thereof.

This is the nearest approach to a prescribed form for committee meetings in North Carolina. It is significant that while the statute deals in some detail with procedures before the joint committee it fails to mention how the joint body is to reach its decisions. The last sentence of the quoted portion of the statute is disturbing. It could be interpreted as giving each house power to abrogate the portions of the statute dealing with procedures by and before the joint committee by simply amending or adding to its standing rules.<sup>107</sup>

By custom other committees of the two houses sit together for hearings under their two chairmen as co-chairmen, but they vote as separate committees. Often this happens when one committee invites its counterpart to sit in on a hearing already arranged by the first committee.

### Conference Committees

Before a bill can become law it must be passed by both houses of the General Assembly in identical form. When one house has passed a bill and sent it to the second house for action, however, it often happens that the second house amends or rewrites the measure and then passes it in a form different from that in which it was passed by the first house. The second house must then return the changed bill it has passed to the first house for approval of the changes. If the first house votes to concur in the amendments or to adopt the substitute bill passed by the second house, no problem arises, for both will have then agreed to an identical bill, and it is enrolled for ratification. On the other hand, the first house occasionally refuses to concur in the changes injected by the second house. This failure to concur kills the bill unless some compromise can be effected. Thus, when the first

---

<sup>107</sup> For discussion of action on this matter in 1951 see PART 3, *infra*, page 120.

house fails to concur, to avoid killing the measure it may request the second (or amending) house to appoint a committee of conference to consider the differences between the houses and seek an adjustment. If the second house agrees, and it usually does, its presiding officer appoints conferees for that house and sends their names to the first (or requesting) house asking that it also appoint conferees. When this has been done the representatives from the two houses meet as a committee of conference.

Work of the conference committee is actually joint action of the two houses, thus the rules of neither house can be applied. In the Congress of the United States and in some states there are joint rules, agreed to by both houses, which govern the actions of conference committees. The two houses of Congress follow *Jefferson's Manual*, the main outlines of which have been greatly elaborated through years of practice and resulting precedents.

Conferees to represent a house are appointed by the presiding officer.<sup>108</sup> In both houses of the North Carolina General Assembly the appointment is made upon passage of a motion that conferees be appointed. This motion designates the number of conferees the particular house desires.<sup>109</sup> The general practice in most legislative bodies is to appoint three conferees from each house, although on particularly important measures the number may be increased. In North Carolina this practice has not been followed consistently. For example, conference committees were appointed to consider disagreements between the houses on six bills in the 1949 Legislature. Three times the Senate named three conferees; three times it named two conferees. Three times the House named five conferees; three times it named three conferees. Whenever the House named five, the Senate named three; whenever the Senate named two, the House named three. The apparent practice then is to insure that the lower house (with the larger membership) always has more members on the committee than the upper house (with the smaller membership).

In selecting conferees Congressional policy directs that both principal political parties be represented, and if bare party representation is not sufficient to assure representation of different points of view the presiding officer will attempt to take care of the point in his choice of the party representatives. In all legislative bodies it is customary to appoint a majority of each house's conferees from the majority party and prevailing opinion in the particular house. In North

---

<sup>108</sup> Both Senate Rule 70 and House Rule 48 simply state that "a conference committee shall be appointed" without stating by whom, but both houses have broad rules authorizing their presiding officers to appoint all committees. Senate Rule 12 and House Rule 7.

<sup>109</sup> Senate Rule 70; House Rule 48.

Carolina, Republicans are rarely chosen as conferees. Usually the conferees are selected from the membership of the committee which considered the bill, but the presiding officer always feels free to go outside this group if he believes it necessary or desirable.

Once the conferees have been appointed the house of origin is precluded from reconsidering the vote by which it failed to concur in the changes made by the second house. The conference report must be received and acted upon before the matter in dispute can be considered further.

When appointed, the conferees meet and consider the differences between the two houses and seek to resolve them. In general legislative terminology conferences can be classified as either "free" or "simple". A simple conference is one in which the conferees receive instructions from the bodies they represent and must abide by those instructions in conference. A free conference is one in which the conferees receive no instructions and remain free to resolve the differences by compromise. North Carolina practice is against simple conferences; the houses do not instruct their conferees.

In Congress and in most state legislatures conferees can take into consideration only matters that are actually at issue between the two houses. The rules of both North Carolina houses state:

Only such matters as are in difference between the two houses shall be considered by the conferees, and the conference shall deal only with such matters.<sup>110</sup>

Provisions of the disputed bill which have not been changed by the second house are not "in difference" and cannot be changed.<sup>111</sup>

Conference committees always meet in executive session. They hold no hearings. In operations the conference committee is in reality two distinct committees, each acting by majority vote. The report of their recommendations must be signed by a majority of the conferees from each house. It is prepared in duplicate, one copy for each house, and is presented first to the house which agreed to the conference, and then to the house which asked for a conference. In practice the report is often submitted to the two houses at approximately the same time.

---

<sup>110</sup> *Ibid.*

<sup>111</sup> In a few states conference committees are permitted to write a new bill introducing new matter. This is supported on the theory that adoption of the conference report cures any irregularity in the three-readings rule and validates the legislation. This is hardly an adequate defense of the practice, for it permits passage of completely new legislation on a single reading without reference to a standing committee, and often at a time when the houses are seeking to speed action toward adjournment *sine die*.

When the conference report is brought out it is accorded a privileged status. It cannot be tabled or referred to a committee, and it cannot be amended.<sup>112</sup> It must be accepted or rejected as a whole.

If both houses accept the conference report the bill, as fixed by the report, is enrolled for ratification. If one house approves the report and the other rejects it, or if both houses reject it, the bill is lost unless a new conference is requested and agreed to.

In Congress and in most states the conference committee is automatically discharged when it brings in its report. In North Carolina it is customary for some member in each house to move that the conferees of that house be discharged. In either event, when a new conference is necessary the presiding officers must again appoint conferees.

---

<sup>112</sup> Clarence Cannon, *CANNON'S PROCEDURE IN THE HOUSE OF REPRESENTATIVES*, House Document No. 675, 78th Congress, 2d Session, U. S. Government Printing Office, Washington, 1944, page 127. Hereafter this publication is cited as *Cannon*. Both Senate Rule 70 and House Rule 48 provide that, "Except as herein set out, the rules of the House of Representatives of Congress shall govern the appointment, conduct, and reports of the conferees."

*Part 2*

SHOULD THE NUMBER AND SIZE OF  
NORTH CAROLINA COMMITTEES  
BE REDUCED?



# SHOULD THE NUMBER AND SIZE OF NORTH CAROLINA COMMITTEES BE REDUCED?

## Introduction

About twenty bills are introduced in the North Carolina General Assembly each legislative day. The last three sessions have averaged about eighty days in length.<sup>113</sup> This time and volume situation is a matter of record; the rushed conditions on the floor and in committees are apparent from the journals and are well-known to the members. As the volume of work has increased without proportionate increase in the length of legislative sessions, the role of the standing committees has become increasingly important to effective operation of the legislative process. More and more it has become necessary for the General Assembly to rely on committee recommendations. The committees and the committee system must be strong and competent or the legislature itself will suffer from attack.

For years political scientists and large numbers of legislators have taken the position that American state legislatures use too many standing committees and that the committees have too many members. Their agitation over the last fifty years has motivated a number of experiments leading to the reduction of both the number and size of standing committees. The movement early received momentum from the drastic reorganization of the United States House of Representatives in 1911, and again from the federal Legislative Reorganization Act of 1947. And today, with a total membership of 435, the national House finds it necessary to use only nineteen standing committees.<sup>114</sup> This is a far cry from the committee situation in most states, yet some of them have made drastic reductions. This thinking and the results it has produced have led to this consideration of the present situation in North Carolina and an attempt to decide whether its General Assembly's committees are too many and too large.

## The Number of Committees

Does the North Carolina General Assembly use too many committees? Several standards suggest themselves by which the number of

---

<sup>113</sup> *Supra*, page 3. The 1951 session of ninety-five days brings the length of the average post-war session to eighty-three days.

<sup>114</sup> Lewis Deschler, CONSTITUTION, JEFFERSON'S MANUAL, AND RULES OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES EIGHTIETH CONGRESS, House Document No. 769, 79th Congress, 2d Session, U. S. Government Printing Office, Washington, 1947, §§669 and 670. Hereafter this publication is cited as *Deschler*.

committees used in this state may be measured: comparison with those used by other legislatures, analysis of the amount of work done by individual North Carolina committees and groups of committees within broad fields of legislative business, and, finally, analysis of the use and grouping of existing committees within broadly defined areas of legislative business.

**Comparison with Other States.**—It is fair to assume that state legislatures differ little in the kinds of matters considered and that their procedures for considering proposals—including the use of standing committees—are closely parallel. Thus North Carolina may profitably be compared with other states in three ways:<sup>115</sup>

	<i>Upper House</i>	<i>Lower House</i>
<i>As to Total Membership:</i>		
Largest number of members		
in any legislature .....	67 (Minnesota)	399 (N. H.)
Smallest number of members		
in any legislature .....	17 (Del. & Nev.)	35 (Delaware)
Average number of members		
in state legislatures .....	36.3	120.2
Median number of members		
in state legislatures .....	38	100
Number of members in North Carolina legislature .....	50	120
<i>As to Number of Standing Committees:</i>		
Largest number of committees		
in any legislature .....	53 (Arkansas)	71 (Kentucky)
Smallest number of committees		
in any legislature .....	2 (Maine)	6 (Mass.)
Average number of committees		
in state legislatures .....	28	33.6
Median number of committees		
in state legislatures .....	30	33
Number of committees in North Carolina legislature ..	52	46

<sup>115</sup> The figures used in these comparisons are taken from Figure B.

*As to Ratio of Total Membership to Number of Committees:*

Highest ratio of any legislature	16.60 (Maine)	40.00 (Mass.)
Lowest ratio of any legislature	.66 (Arkansas)	1.34 (Delaware)
Average ratio of state legislatures .....	1.93	5.15
Median ratio of state legislatures .....	1.41	2.96
Ratio in North Carolina legislature .....	.96	2.44

These comparisons indicate rather forcefully that while this state may have a legislature large enough to staff perhaps more than the average number of standing committees, the number of committees used is still excessive when measured by the national average ratio of total membership to total number of committees.

**Distribution of Work among North Carolina Committees.**—The statistics summarized above raise enough of a presumption of too many committees in North Carolina to warrant investigating those committees more precisely. In this connection the record of the amount of work handled by the individual committees will be helpful in determining their usefulness.<sup>116</sup>

	<i>Senate</i>	<i>House</i>
Number of committees handling as much as		
10% of all bills introduced .....	3	3
5% of all bills introduced .....	5	5
2% of all bills introduced .....	10	9
Number of committees handling less than		
2% of all bills introduced .....	42	37
1% of all bills introduced .....	20	19
Number of committees handling		
No bills at all .....	11	7

Here is presented a strange and inequitable distribution of the legislative work-load. The Senate has fifty-two committees of presumably equal dignity, yet 50% of the work is handled by three of those committees. The House has forty-six committees, but three committees handle 40% of the legislation. The strangeness becomes apparent when, session after session, as the houses pile work on a few commit-

<sup>116</sup> The figures used here are taken from Figure E.

tees, they continue to provide for the establishment of a large number of committees whose *raison d'être* has apparently ceased to exist. The names of these completely inactive committees should be examined.

*Senate*

Claims  
Immigration  
Mining  
Senatorial Districts  
Water Commerce  
State Commission for the Blind

*House*

Congressional Districts  
Institutions for the Deaf  
Senatorial Districts

. . . . .	. . . . .
Distribution of the Governor's	Engrossed Bills
Message	
Engrossed and Enrolled Bills	Enrolled Bills
Journal	Journal
Printing	Printing
Senate Expenditures	

The lists of these committees have been broken with a particular purpose in mind. Those below the dotted line will be discussed in a subsequent portion of this report and can be dismissed from the consideration of this point except for the numerical weight they add to the list of standing committees which consider no bills.<sup>117</sup>

If the committees listed here have received no bills in the last three sessions of the General Assembly it is a reasonable certainty that they will receive none in future sessions, unless, for some reason, a rules committee or presiding officer arbitrarily decides one or more of them is the proper agency to handle some new kind of business or take some business now assigned to other committees. The very titles suggest the reasons for their idleness.<sup>118</sup>

The record shows that the work before the legislature has been allotted among the committees in a most inequitable manner. There is some justification for saying that committees which have received no bills for three sessions are surplus and that their continuance demonstrates that North Carolina has too many committees. Yet there are allied matters that require analysis before this conclusion can be

<sup>117</sup> *Infra*, page 68. The reason for this dismissal is simply that these committees were not erected originally for the purpose of considering bills.

<sup>118</sup> In 1951 the House Committee on Congressional Districts was assigned two bills and the House Committee on Senatorial Districts received three. Both situations can be accounted for by the reports of the 1950 Federal Census and the resulting proposals for reapportionment.

accepted. If, at the same time some committees did no work, certain other committees were doing three-quarters of all the work there was to do, might it not be better to think in terms of reallocation of the work-load among existing committees before declaring any committee surplus? Of course, this might warrant changing the names of some of the idle committees, but since it is the number of committees at issue, names are of relatively little significance just now.

**The Fields of Legislative Activity—Are They Overstaffed or Understaffed with Standing Committees?**—Some inquiry must be directed toward the fields in which the committees function, that is, the fields into which the legislature's business may be divided. Figure J presents an analysis of this problem. The eleven fields of legislative activity are listed and described. By each field is indicated the number of standing committees operating in that area in each house, together

## FIGURE J

### FIELDS OF LEGISLATIVE ACTIVITY

#### ANALYSIS OF COMMITTEES OPERATING IN EACH FIELD

SOURCE: The classifications and statistics are taken from Figure F.

<i>Field of Legislative Activity</i>	<i>Number of Committees Operating in the Field</i>		<i>Number of Committees in Field Having Little or No Work Assigned</i>	
	<i>Senate</i>	<i>House</i>	<i>Senate</i>	<i>House</i>
1. <i>Internal Affairs of the Body.</i> Here are grouped the committees of a non-substantive nature. They do not handle bills, nor were they conceived to handle them. They were erected in former years to handle internal affairs of the legislative house, some purely formal, some financial, and some administrative.	6	6	....	....
2. <i>Political Questions.</i> Here are grouped the committees designed to handle the infrequent problems involved in districting for election and appointment				

<i>Field of Legislative Activity</i>	<i>Number of Committees Operating in the Field</i>		<i>Number of Committees in Field Having Little or No Work Assigned</i>	
	<i>Senate</i>	<i>House</i>	<i>Senate</i>	<i>House</i>
purposes, in revising the election laws, in handling matters of current political significance, and in fostering interstate projects. In the last three sessions these committees have handled 1.36% of all the bills passed on in each house.	4	4	3	3
3. <i>Financial Matters.</i> Here fall the committees which consider the raising and spending of public money, state and local. In the last three sessions these committees have handled 14.56% of all the bills passed on in each house.	3	2	1	0
4. <i>Civil and Criminal Law.</i> These committees handle the bulk of the "lawyers' bills," changes in the statutes, constitutional matters, and court procedures. In the last three sessions they have handled 21.63% of the bills passed on in the Senate and 21.13% of those passed on in the House.	3	2	1	0
5. <i>Development and Conservation.</i> These committees consider proposals concerning roads, recreation, forests, game, stream pollution, etc. In the last three sessions they have handled 4.23% of all the bills passed on in the Senate and 4.50% of those passed on in the House.	4	4	1	1

<i>Field of Legislative Activity</i>	<i>Number of Committees Operating in the Field</i>		<i>Number of Committees in Field Having Little or No Work Assigned</i>	
	<i>Senate</i>	<i>House</i>	<i>Senate</i>	<i>House</i>
6. <i>Schools and Education.</i> This heading is self-explanatory. These committees, in the last three sessions, have handled 4.10% of all bills passed on in the Senate and 4.63% of all passed on in the House.	3	4	2	3
7. <i>Health and Welfare Matters.</i> In a sense this heading is self-explanatory, but in another it needs amplification. It covers, in addition to the committees obviously erected to handle health, welfare, and prisons, three allied fields: (a) retirement, pensions, and employment security; (b) military and veterans affairs; and (c) certain committees that seem to have been formed to supervise a number of institutions of a welfare nature. In the last three sessions these committees have handled 3.73% of all bills passed on in the Senate and 4.7% of those passed on in the House	13	10	10	7
8. <i>Business, Agriculture, and Industry.</i> Here are grouped all those committees that were originally set up to handle legislation dealing with identifiable business interests, corporations, utilities, railroads, insurance, and "labor." In the last three ses-				

Field of Legislative Activity	Number of Committees Operating in the Field		Number of Committees in Field Having Little or No Work Assigned	
	Senate	House	Senate	House
sions these committees have handled 5.36% of all the bills passed on in the Senate and 4.13% of those passed on in the House.	10	7	7	5
9. <i>Local Governmental Affairs.</i> These committees are called on to deal with local bills of every kind and of every nature — the only criteria for assignment is that they not be state-wide in application. In the last three sessions these committees have handled 34.60% of all bills passed on by the Senate and 27.50% of those passed on by the House.	3	3	1	1
10. <i>Expediting of Business (Calendar Committee).</i> There are only two committees in this group—the calendar committee in each house. They are not involved in this analysis other than to note that in the last three sessions they handled 1.86% of all the bills acted on by the Senate and 11.36% of all those passed on by the House.	1	1	....	....
11. <i>Miscellaneous.</i> The committees grouped here have been discussed in the comments on Figure F, <i>supra</i> , page 23. They handled 6.50% of the work in the Senate and 5.50% of the work in the House in the last three sessions.	3	4	1	2
Totals (excluding calendar committees)	52	46	27	22

with an indication of how many committees in each field have little or no work assigned them.

Presumably it is more important for a field of legislative business to be amply covered than for a particular committee to be retained, thus the analysis of the committee situation and the work-load within the fields of legislative activity presented in Figure J leads to an analysis of individual committees within the broad fields. It becomes important to know if there is an overlapping of individual committee fields within the major fields of legislative business. The term "overlapping" implies fringe areas in which more than one committee might have equal interest in considering a particular bill. Reading the lists as grouped in Figure D is sufficient to demonstrate that this kind of overlapping is the fact, and presiding officers often have few substantive guides to assist them in the reference of bills which fall in this subject-matter twilight zone. In a broader sense the term "overlapping" is used here to describe the presence of several committees, each handling only a small amount of work, within a single broad field of legislative interest. This second sense in which the term is used is illustrated by the tabular material in Figure J. For example, there are four committees in each house which deal with Political Questions, but three of them in each house have had little or no work assigned for the last three sessions. This situation is repeated to a greater or less degree in each field of legislative activity. If twenty-seven of the fifty-two Senate committees and twenty-two of the forty-six House committees had little or no work assigned them for three legislative sessions, as Figure J shows, there is persuasive evidence of overlapping within the fields of legislative business, at least in the sense that, as now constituted, there are committees in each field with little to do.

It is also significant that work is distributed inequitably even among the relatively active committees.<sup>110</sup> The following figures show the division of the legislative work-load among the fields of work and the number of active committees in each field.

---

<sup>110</sup> These figures are taken from Figure F and Figure J.

<i>Field of Interest</i>	<i>Approximate Percentage of Legislative Work Handled</i>	<i>Number of Active Committees in Each House</i>
1. Political Questions	2%	1
2. Financial Matters	15%	2
3. Civil and Criminal Law	20%	2
4. Development and Conservation	5%	3
5. Schools and Education	5%	1
6. Health and Welfare Matters	5%	3
7. Business, Agriculture, and Industry	5%	2
8. Local Governmental Affairs	25%	2
9. Miscellaneous	6%	2
10. Calendar Committees	12%	1

The difficulty of weighing the significance of single pieces of legislation has already been discussed in this report with the single conclusion that local bills consume less legislative time and are, consequently, of less significance than public bills.<sup>120</sup> Certainly this fact should be kept in mind in considering the division of work among the fields of activity listed here, and particularly with reference to Local Governmental Affairs. Nevertheless, even if this is given full weight, it is of considerable importance that within the single field of Financial Matters two committees have been able to handle 15% of the legislative work while, for example, three committees in the field of Health and Welfare Matters handled about 5% of the legislative work. This contrast is repeated throughout the figures. And in this tabulation the inactive committees have been left out completely.

So far the evidence has tended to show that North Carolina has more committees than other state legislatures of comparable size, that the work of the legislature is distributed inequitably among the existing committees, that a sizeable number of committees do no work at all, that among the broad fields of legislative business there is a considerable difference in the amount of work and in the number of both active and inactive committees, and finally that there is some duplication or overlapping of committees within given fields of business. A few additional observations may be helpful.

**Committees of a Non-Substantive Nature.**—The first broad field of legislative interest used in the classification adopted in Figure D is called Internal Affairs of the Body. Historically the committees grouped under this heading were probably established to fill positive needs for effective administration of the houses. Certainly no one would

<sup>120</sup> *Supra*, page 41 *et seq.*

question the need for a rules committee, one of those classified as non-substantive. But with the elaborate system of clerks, journal clerks, engrossing clerks, pay clerks, state auditing systems, and a public printing setup now available and in use by the General Assembly, what work is there left for the following committees?

<i>Senate</i>	<i>House</i>
Senate Expenditures	Expenditures of the House
Engrossed and Enrolled Bills	Enrolled Bills
Journal	Engrossed Bills
Printing	Journal
Distribution of the Governor's Message	Printing

Actual experience is enough to demonstrate that virtually all the work that might be assigned to these committees is carried on by employees of the houses and existing state agencies, not by the members of these committees.

**Committees of a Supervisory Nature.**—Supervisory committees have been mentioned briefly in the listing of fields of legislative business in Figure J. As stated there, they seem to have been formed originally for the purpose of visiting certain state institutions and agencies, for the purpose of supervising them, and for dealing with legislation concerning their operation. As late as the session of 1949 the rules provided for appointment of committees with the following titles:

<i>Senate</i>	<i>House</i>
Institutions for the Blind	Commissions and Institutions for the Blind
State Commission for the Blind	
Institutions for the Deaf	Institutions for the Deaf
Library	Library
Mental Institutions	Mental Institutions
Penal Institutions	Penal Institutions
Pensions and Soldiers' Home	Public Buildings and Grounds

North Carolina has taken some steps toward the elimination of committees of this nature, largely by consolidations. As late as 1945, however, the Senate had a committee entitled Caswell Training School. Certainly this state has fewer committees of this kind than a good many others, but there is still a question as to how they can be justified. From time to time they receive bills for consideration, but the number is extremely small. The seven named Senate committees received 1.2% of the bills introduced in 1945, 0.5% in 1947, and 1.0% in 1949—a total of thirty-seven bills in three legislative sessions. The six named House committees received 1.0% of the bills introduced in

1945, 0.3% in 1947, and 1.2% in 1949—a total of thirty-eight bills in three legislative sessions.<sup>121</sup> Practically all of these committees have to do with institutions and agencies of a welfare and health nature. Can their separate existence be justified?

**Committees of a Political Nature.**—The committees classified under the heading Political Questions deal with political problems of infrequent occurrence. While the legislation they handle may be significant at the time, these committees serve little purpose until such questions arise. Admitting the need for committees in this general field, would it not be a more economical use of manpower and training to compress the number of these committees so that each would have enough work to keep it busy? Possibly they might be appointed only when needed.

**Dead or Useless Committees of All Classifications.**—All of the administrative, the supervisory, and the political committees are not necessarily useless committees. From the preceding remarks it is apparent that reallocation of individual committee responsibilities within these classifications and some consolidations would restore those left to a useful status. The real danger in any system of committees is for it to remain unexamined year after year. The results of such neglect are not confined to the fields already discussed. Dead and useless committees can be found in almost every field of legislative business. When established, committees are “created to serve some real or apparent need. They consider measures and flourish like a green bay tree, perhaps for a session, or a few sessions, or even many sessions. Each succeeding session adopts the rules of the preceding one, the list of committees included. Those committees that have outlived their usefulness are easier to retain than to abolish. Besides, they may serve some purpose other than that of considering proposed legislation. Certain emoluments of intrinsic worth or of indirect value often appertain to committee positions. There may be an office with secretarial help, or at least with secretarial allowance; there may be committee stationery (appropriately headed so as not to keep the names of the members under a bushel) with postage allowance. Whatever the real reason for their retention, be it sheer inertia or spoils, these barnacles cling tenaciously to the legislative hull. Created presumably to serve the public interest, they remain often to clutter up the scenery and serve the private interests of the members.”<sup>122</sup>

---

<sup>121</sup> See Figure E.

<sup>122</sup> Winslow, page 180.

These are the words, not of a man familiar with the General Assembly of North Carolina alone, but of a student of committee systems in all American state legislatures. They have pertinence to the problem in this state.

"Those committees that have outlived their usefulness are easier to retain than to abolish." Consider again the record of the following committees:

<i>In the Senate</i>	<i>Number of Bills and Percentage of Total Bills Considered in the Last Three Sessions</i>					
	1945		1947		1949	
Banks and Currency	12	(1.0%)	5	(0.4%)	8	(0.5%)
Claims	0		0		0	
Commercial Fisheries	1	(0.1%)	6	(0.5%)	8	(0.5%)
Congressional Districts	0		0		1	(0.1%)
General Statutes	0		2	(0.2%)	0	
Constitutional Amendments	3	(0.2%)	4	(0.3%)	4	(0.3%)
Corporations	2	(0.2%)	1	(0.1%)	2	(0.1%)
Immigration	0		0		0	
Institutions for the Blind	2	(0.2%)	2	(0.2%)	3	(0.2%)
Distribution of the Governor's Message	0		0		0	
Engrossed and Enrolled Bills	0		0		0	
Internal Improvements	0		0		1	(0.1%)
Interstate and Federal Relations	0		4	(0.3%)	3	(0.2%)
Journal	0		0		0	
Justices of the Peace	4	(0.3%)	1	(0.1%)	2	(0.1%)
Library	4	(0.3%)	0		8	(0.5%)
Manufacturing, Labor, and Commerce	3	(0.2%)	7	(0.6%)	3	(0.2%)
Mental Institutions	3	(0.2%)	3	(0.2%)	2	(0.1%)
Military Affairs	0		3	(0.2%)	1	(0.1%)
Mining	0		0		0	
Penal Institutions	2	(0.2%)	1	(0.1%)	2	(0.1%)
Pensions and Soldiers' Home	4	(0.3%)	0		1	(0.1%)
Printing	0		0		0	
Railroads	1	(0.1%)	0		1	(0.1%)
Senate Expenditures	0		0		0	
Senatorial Districts	0		0		0	
Trustees of the University	0		0		2	(0.1%)
Employment Security	8	(0.7%)	4	(0.3%)	6	(0.4%)
Water Commerce	0		0		0	
State Commission for the Blind	....		0		0	
Totals	49	(4.0%)	43	(3.5%)	58	(3.8%)

*In the House**Number of Bills and Percentage of  
Total Bills Considered in the  
Last Three Sessions*

	1945	1947	1949
Banks and Banking	10 (0.8%)	8 (0.5%)	5 (0.3%)
Commercial Fisheries and Oyster Industry	2 (0.1%)	5 (0.3%)	8 (0.5%)
Congressional Districts	0	0	0
Constitutional Amendments	4 (0.3%)	8 (0.5%)	7 (0.4%)
Corporations	1 (0.1%)	2 (0.1%)	4 (0.2%)
Drainage	0	3 (0.2%)	4 (0.2%)
Engrossed Bills	0	0	0
Enrolled Bills	0	0	0
Expenditures of the House	0	0	1 (0.1%)
Higher Education	1 (0.1%)	5 (0.3%)	4 (0.2%)
Commissions and Institutions for the Blind	1 (0.1%)	2 (0.1%)	5 (0.3%)
Institutions for the Deaf	0	0	0
Federal and Interstate Cooperation	1 (0.1%)	2 (0.1%)	3 (0.2%)
Journal	0	0	0
Manufacturers and Labor	0	4 (0.3%)	5 (0.3%)
Mental Institutions	3 (0.2%)	2 (0.1%)	4 (0.2%)
Military Affairs	3 (0.2%)	1 (0.1%)	3 (0.2%)
Penal Institutions	1 (0.1%)	1 (0.1%)	3 (0.2%)
Printing	0	0	0
Public Buildings and Grounds	1 (0.1%)	0	2 (0.1%)
Senatorial Districts	0	0	0
Employment Security	9 (0.7%)	4 (0.3%)	3 (0.2%)
Justices of the Peace	0	0	2 (0.1%)
Library	6 (0.5%)	0	7 (0.4%)
Trustees of the University	1 (0.1%)	0	3 (0.2%)
Totals	44 (3.5%)	47 (3.0%)	73 (4.3%)

Thirty Senate committees handled forty-nine bills in 1945, forty-three in 1947, and fifty-eight in 1949—an average of about 3.7% of the total number of bills introduced. Twenty-five House committees considered forty-four bills in 1945, forty-seven in 1947, and seventy-three in 1949—an average of about 3.6% of the total number of bills introduced. Certainly there are committees in this list which have outlived their usefulness.

“They may serve some purpose other than that of considering proposed legislation. . . . There may be an office with secretarial help, or at least with secretarial allowance. . . .” Here is the evidence:

Eleven of the twenty committees of the 1949 Senate which considered less than 1% of the bills passed on by the Senate had secretarial assistance paid as follows:<sup>123</sup>

<i>Committee</i>	<i>Number of Bills Considered</i>	<i>Number of Days for Which Secretarial Assistance Was Paid</i>	<i>Amount Paid for Secretarial Assistance</i>
Employment Security	6	109	\$ 981.00
Penal Institutions	2	109	981.00
Trustees of the Greater University	2	109	981.00
Corporations	2	109	981.00
Manufacturing, Labor, and Commerce	3	105	945.00
Public Utilities	10	104	936.00
Conservation and Development	8	104	936.00
Banks and Currency	8	103	927.00
Federal and Interstate Relations	3	103	927.00
Veterans Affairs	7	97	875.00
Mental Institutions	2	82	738.00
Totals	53	1,134	\$10,208.00

Twelve of the nineteen committees of the 1949 House which considered less than 1% of the bills passed on by the House had secretarial assistance paid as follows:<sup>124</sup>

<i>Committee</i>	<i>Number of Bills Considered</i>	<i>Number of Days for Which Secretarial Assistance Was Paid</i>	<i>Amount Paid for Secretarial Assistance</i>
Employment Security	3	109	\$ 981.00
Manufacturers and Labor	5	103	927.00
Veterans Legislation	9	103	927.00
Public Welfare	9	103	927.00
Public Utilities	12	103	930.00
Elections and Election Laws	8	102	918.00
Insurance	15	101	684.00
Higher Education	4	100	900.00
Conservation and Development	11	100	900.00
Military Affairs	3	85	855.00
Mental Institutions	4	90	807.00
Banks and Banking	5	62	558.00
Totals	88	1,161	\$10,314.00

<sup>123</sup> Senate Journal, 1949, page 732.

<sup>124</sup> House Journal, 1949, pages 1212-13.

Anyone familiar with the way in which committee clerks are assigned various clerical functions by the principal clerks of the houses is aware that these salary totals cannot be accepted at face value. Often these apparently idle clerks are given full employment under the rules provisions making them available for other duties when not needed for committee work.<sup>125</sup> Nevertheless, the situation is far from healthy. If these committees need no clerks, and apparently they do not, then it would be advisable to empower the principal clerks to hire the personnel they need and classify them accordingly.

A review of all these facts, keeping in mind the fields in which the legislature has been and may be called upon to act, serves to suggest the application of three simple rules:

- (1) Create no new committee to deal with a new subject unless it is absolutely clear that no existing committee can handle the matter.
- (2) Create no committee for the sole purpose of political reward.
- (3) Make a positive effort to insure that the presiding officers make a serious attempt to equalize the work among committees.

In any attempt to reduce committees in North Carolina a reshuffling should precede a pruning. When the fields in which the committees will operate are clearly defined consolidations will suggest themselves. (The formal and purely administrative committees will present a fertile field for consolidations.) Then eliminate the dead wood. The best advice for keeping the situation in hand is this: examine the list of committees at the beginning of each session before the rules are adopted with an eye to biennial pruning; do not wait until the only solution is to cut down the tree.

### The Size of Committees

Are North Carolina's legislative committees too large? Here again it may be helpful to glance at the situation in other states<sup>126</sup> as a basis for comparison.

**Comparison with Other States.**—*In the upper house:* In 1931 the average state senator in this country was assigned to sit on 7.6 standing committees. In only six states at that time were senators required to sit on ten or more committees each, and North Carolina with an average of 13.2 was among that number. In only three senates were members assigned to fewer than three committee seats each. By 1940 there were 868 committee seats in the North Carolina Senate, an average of 17.3 seats per senator, the second highest average in the United

---

<sup>125</sup> Senate Rule 27; House Rule 66.

<sup>126</sup> The statistics used here are drawn from those cited in Figure A and Figure B.

States. By 1949 this number had been slightly reduced; there were 738 committee seats, an average of 14.76 per member. This was far above the national average.

*In the lower house:* In 1931 the average member of the lower houses of the state legislatures sat on 4.5 committees. The average North Carolina representative at that time sat on 6.9 committees. By 1940 there were 1089 committee seats in the North Carolina House and the members of that body were assigned to 9.1 seats each. Representatives in only three states sat on more committees. In six states in 1940 the average representative sat on fewer than two committees, in twenty-seven states the average representative was assigned to five or fewer committee posts. By 1949 the total number of committee seats in the North Carolina House had been increased to 1307, an average of 10.98 per representative.

These comparisons show that the average North Carolina legislator continues to serve on twice as many legislative committees as the average state legislator in the United States.<sup>127</sup> Thus, from the standpoint of total number of committee assignments per member, there is a rational basis for asking whether the time has come to consider reducing the size of North Carolina committees.

**Effect of Numerous Committee Assignments.**—It may be helpful to examine the way in which a large number of committee assignments affects the individual legislator. Using personnel of the 1949 General Assembly as a basis, the following statistics have been developed:<sup>128</sup>

<sup>127</sup> To these comparisons may be added the following:

Percentage of Total Membership of Body Assigned to a Single Committee	Number of Committees in Percentage Bracket (1949)		
	U. S. House	N. C. Senate	N. C. House
50% or higher	0	5	3
40% to 50%	0	6	2
30% to 40%	0	10	10
20% to 30%	0	19	11
10% to 20%	0	12	15
Below 10%	19*	0	5

\*The United States House of Representatives uses only nineteen standing committees, and the number of seats on each committee is limited by rule. See *Deschler* §§ 669 and 670.

<sup>128</sup> These figures are based on Senate and House Journals for 1949. The classification of major and minor committees is that developed *supra*, page 25.

	<i>Senate</i>	<i>House</i>
Total membership of body	50	120
Total number of committee seats	738	1307
Total number of major committee seats	234	513
Total number of minor committee seats	504	794
Average number of committee seats per member	14.76	10.98
Average number of major seats per member	4.68	4.31
Average number of minor seats per member	10.08	6.67
Number of members holding above the average number of total committee seats	29	66
Number of members holding below the average number of total committee seats	21	53
Number of members holding no committee seats	0	1 (the speaker)

These figures can be elaborated in a number of ways. Take, for example, the fact that twenty-nine members of the 1949 Senate held more than 14.76 committee seats each (the average for the body). It is significant that twenty of this twenty-nine also held more than the average number of major committee seats (4.68), that nineteen of them held more than the average number of minor committee seats (10.08), and that ten of them held more than the average number of both major and minor committee seats.

Take also the 1949 House. Sixty-six members held more than 10.98 committee seats each (the average for the body). Thirty-nine of this sixty-six also held more than the average number of major committee seats (4.31); fifty-five of them held more than the average number of minor committee seats (6.57); and twenty-eight of them held more than the average number of both major and minor committee seats.

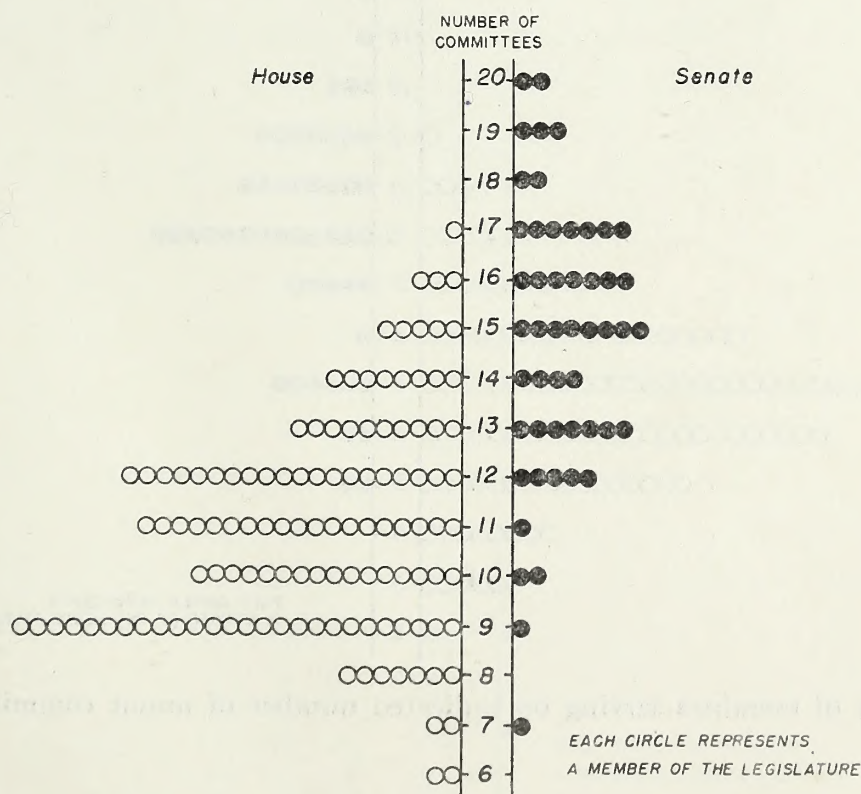
In both houses it is apparent that committee assignments tend to pyramid until a fraction of the members (between  $1/5$  and  $1/4$ ) have so many assignments that they cannot possibly serve them all with diligence. Nor is this analysis confined wholly to those members found to be serving on more than the average number of committees. For example, in the 1949 Senate six of the twenty-one senators holding fewer than the average number of committee positions (14.76) held more than the average number of positions on major committees (4.68), and two of them held more than the average number of posi-

tions on minor committees (10.08). In the 1949 House fourteen of the fifty-three representatives who held fewer than the average number of committee posts (10.98) held more than the average number of major committee seats (4.31), and nine of this number held more than the average number of minor committee seats (6.67). As a matter of fact, only thirteen of the twenty-one senators with fewer than average committee positions, and thirty of the fifty-three representatives in that position, failed to hold more than the average number of posts on either major or minor committees.

It has already been demonstrated how a relatively small group of committees is saddled with the bulk of the legislative work; the present figures tend to show that within those major committees the work-load tends to pile up on a relatively small number of legislators. Still further illustrations from the 1949 General Assembly can be found on the charts presented in Figure K. For example, observe the following statistics on committee assignments showing the ex-

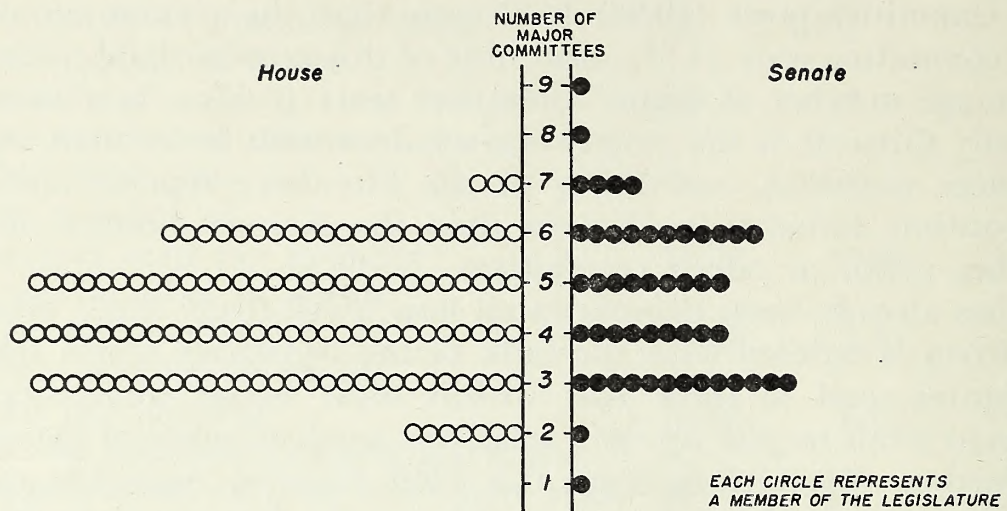
FIGURE K  
NORTH CAROLINA GENERAL ASSEMBLY OF 1949  
COMMITTEE ASSIGNMENTS IN HOUSE AND SENATE

SOURCE: 1949 House and Senate Journals

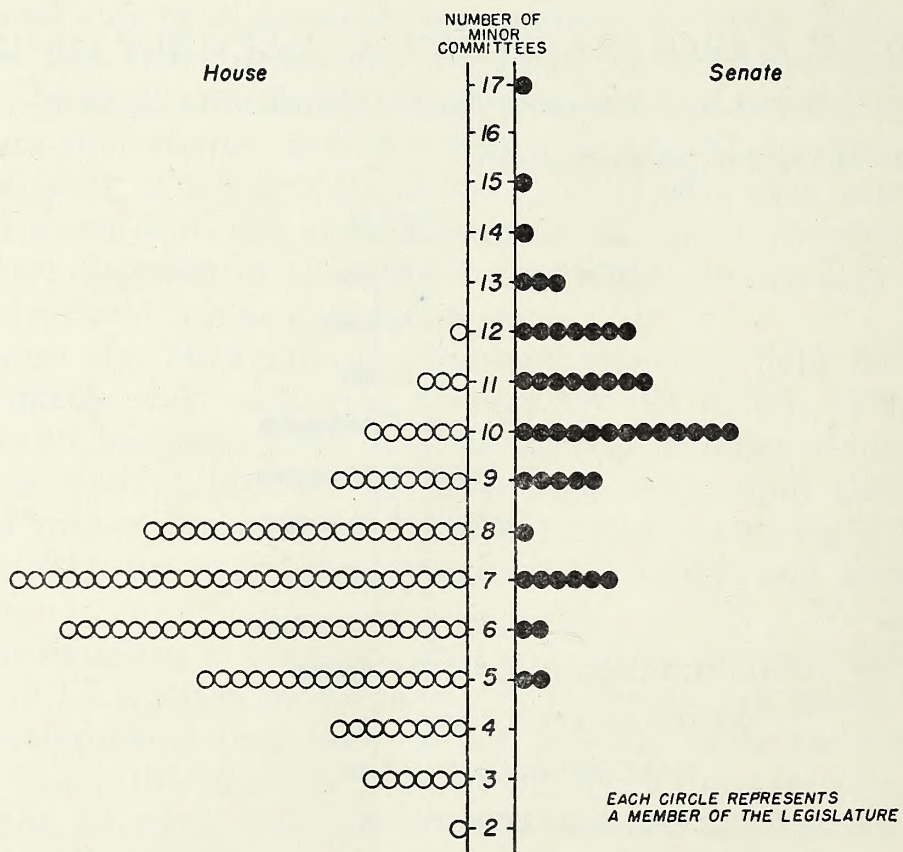


(1) Number of members serving on indicated number of committees

## LEGISLATIVE COMMITTEES



(2) Number of members serving on indicated number of major committees



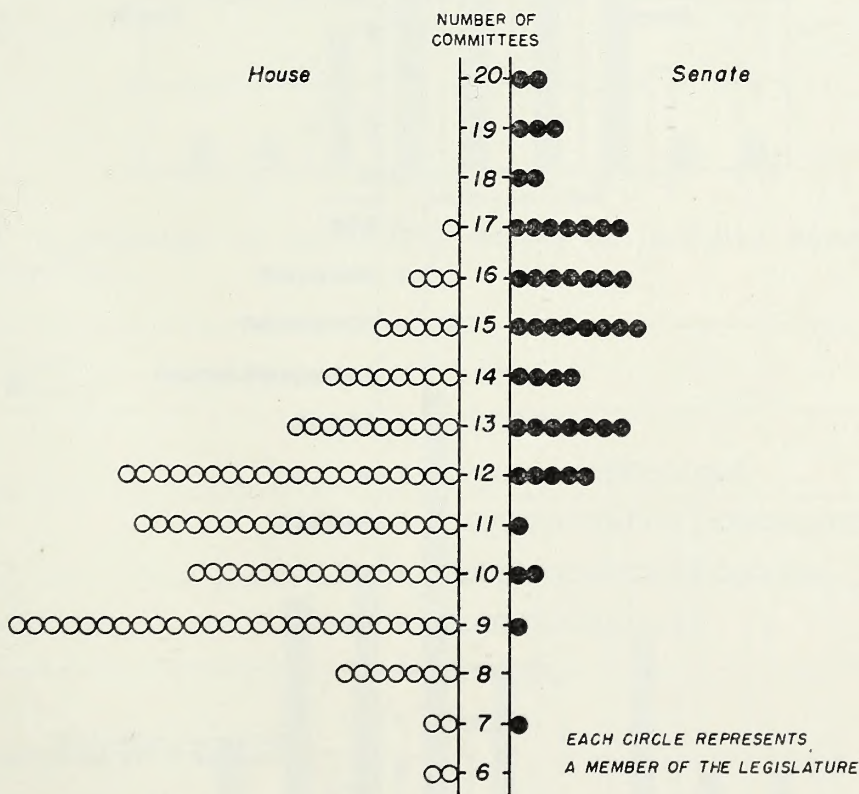
(3) Number of members serving on indicated number of minor committees

tions on minor committees (10.08). In the 1949 House fourteen of the fifty-three representatives who held fewer than the average number of committee posts (10.98) held more than the average number of major committee seats (4.31), and nine of this number held more than the average number of minor committee seats (6.67). As a matter of fact, only thirteen of the twenty-one senators with fewer than average committee positions, and thirty of the fifty-three representatives in that position, failed to hold more than the average number of posts on either major or minor committees.

It has already been demonstrated how a relatively small group of committees is saddled with the bulk of the legislative work; the present figures tend to show that within those major committees the work-load tends to pile up on a relatively small number of legislators. Still further illustrations from the 1949 General Assembly can be found on the charts presented in Figure K. For example, observe the following statistics on committee assignments showing the ex-

FIGURE K  
NORTH CAROLINA GENERAL ASSEMBLY OF 1949  
COMMITTEE ASSIGNMENTS IN HOUSE AND SENATE

SOURCE: 1949 House and Senate Journals



(1) Number of members serving on indicated number of committees

extremes in number of committee assignments in each house:

#### Senate

Two members served on twenty committees each;  
three members served on nineteen committees each;  
two members served on eighteen committees each; yet  
one member served on only seven committees; and  
one member served on only nine committees.

#### House

One member served on seventeen committees;  
three members served on sixteen committees each;  
five members served on fifteen committees each; yet  
two members served on only six committees each; and  
two members served on only seven committees each.

This uneven distribution in a few cases can be demonstrated further by examining the extremes in assignments to major and minor committees:

#### Senate

One member served on nine major committees;  
one member served on eight major committees;  
four members served on seven major committees each;  
eleven members served on six major committees each; but, on the other hand,  
one member served on only one major committee; and  
one member served on seventeen minor committees;  
one member served on fifteen minor committees;  
one member served on fourteen minor committees; but, on the other hand,  
two members served on only five minor committees each; and  
two served on only six minor committees each.

#### House

Three members served on seven major committees each;  
twenty-one members served on six major committees each; but, on the other hand,  
seven members served on only two major committees each; and  
twenty-nine members served on only three major committees each.  
One member served on twelve minor committees;  
three members served on eleven minor committees each;  
six members served on ten minor committees each; but, on the other hand,  
one member served on only two minor committees; and  
six members served on only three minor committees each.

The last three charts in Figure K present the best comparison of House and Senate committee memberships. They show assignments on a percentage of total membership basis. The first of these three

charts indicates that the Senate assignments tended to pyramid somewhat more than those in the House. This tendency is also observed in minor committee assignments as illustrated by the third of these charts, but the second chart indicates that major committee assignments in the two houses were fairly closely parallel.

The range in committee assignments per member points out the lack of assignment planning as well as anything else. The Senate range ran from a high of twenty to a low of seven, while the House range ran from a high of seventeen to a low of six—a slightly wider range in the Senate than in the House. The range in major committee assignments in the Senate ran from nine down to one and in the House from seven down to two—again a wider range in the Senate than in the House. And, finally, the range in minor committee assignments ran from seventeen to five in the Senate and from twelve to two in the House—still a wider range in the Senate than in the House.

The position of major committee chairmen will illustrate still further the way in which work tends to pile up on a small group of legislators. In 1949 there were twelve so-called major committees in the Senate. Eight of the chairmen of these committees held more than the average number of committee seats; nine held more than the average number of minor committee seats; three held more than the average number of both major and minor committee posts. Only one held fewer than the average number of seats on all committees, both major and minor.<sup>129</sup>

Eleven of the twelve major committee chairmen in the 1949 House held more than the average number of total committee seats; ten held more than the average number of seats on major committees; eleven held more than the average number of minor committee seats; ten held more than the average number of both major and minor committee posts. One of the twelve held fewer than the average number of total committee seats, both major and minor.<sup>130</sup> In addition, five of these representatives who served as major committee chairmen also served as vice-chairmen of other major committees.

This size in committees and this pyramiding of assignments for individual members is not so much the product of design as the product of natural growth. For one reason or another a presiding officer in one session will add a member or two to a committee. He always faces a number of practical difficulties in making his assignments. One that faces him—with especial force if he is subject to election by the members—is the individual preferences of the members. Some posts

---

<sup>129</sup> The chairman of the Senate Finance Committee.

<sup>130</sup> The chairman of the Senate Committee on Health.

are in great demand, and a good committee assignment is a "fairly dependable rung in the ladder of political promotion." Then too, some legislators frankly admit they enjoy the possible prestige associated with a long list of committee assignments even if many of them are meaningless. Lieutenant Governor Taylor confirms this point:

Years ago some member of the Senate, *and he has long since passed to his reward*, conceived of the idea that it would increase his prestige at home if he might be listed as a member of fifteen or twenty committees, and from that small beginning, the practice of having a committee chairmanship for each member of the Senate and the placing of each member of the Senate on from a dozen to a score of committees, has been taken as a matter of course.<sup>131</sup>

Once the appointing authority yields and increases the size of a committee, inertia sets in; next time it is easier to retain the enlarged size than to reduce it.

The significant lesson to be drawn from these remarks is that so long as members are permitted unlimited choice in committee assignments it is inevitable that some committees will be overstaffed.

**Are Small Committees Desirable?**—What are the advantages of small legislative committees? What should be the size of an average committee? Robert Luce, a veteran Congressmen, had this to say on the subject:

The common experience of mankind is that boards, trustees, directors—in brief, conferring groups of all sorts—work to best advantage when they comprise from five to fifteen members. A larger number invites the formalities of oratory; may require some elevation of voice; brings the hampering influence of ceremony; discourages candor, frankness, bluntness; lessens the likelihood of attendance and punctuality; and weakens personal interest by diminishing personal sense of responsibility.<sup>132</sup>

This is certainly the best statement of the case for small committees, and it even suggests a numerical yardstick. Many political scientists would go further than Mr. Luce and maintain that the number and size should be reduced so that no member is required to serve on more than three and preferably on not more than two committees.<sup>133</sup>

The implication of Congressman Luce's statement is that a small committee makes informal discussion easy, frank, and even blunt, and

<sup>131</sup> Letter from the Hon. H. P. Taylor to Albert Coates, October 11, 1950.

<sup>132</sup> LEGISLATIVE PROCEDURE (Boston, 1922), page 130, quoted in Winslow, page 181.

<sup>133</sup> Walker, page 214.

encourages individual members to attend meetings with promptness. The matter of attendance is very important. The very mechanics surrounding committee meetings and hearings can be a source of weakness. If a legislator is assigned to a large number of committees (and he will be if the average committee size is large), the meeting times of some of the committees to which he is assigned will conflict. One meeting may be held in the Capitol, another in the Revenue Building, still another in the Attorney General's office—with perhaps no time interval between. This means he will be late to some of them, or he may find it easier not to attend at all.<sup>134</sup>

The only logical reason for assigning a legislator to any committee is to insure his participation in the work of that committee. Certainly he should attend every meeting of every committee to which he is assigned. Too many committee assignments lead to "compulsory non-attendance or useless inactivity."<sup>135</sup>

Representation of interests is a reasonable and desirable ground for assignment, but a better goal is expertness. Even so, too many experts on one committee may lead to trouble. In the light of Congressman Luce's standards, the size of the individual committee should be reduced to the point where free and frank discussion is obtainable without difficulty. Certainly there is no strong reason to support the assignment of a legislator to a large number of committees simply to flatter his ego and advertise his importance. A frank recognition of a man's inability to serve a large number of committees adequately is the proper basis on which to plan the size of individual committees.

Adequate service implies reliable service. "What's everybody's business is nobody's business." It is easy for individual members of large committees to shirk responsibility for committee decisions; in small committees this is impossible. The only reason a legislature uses committees is to expedite the handling of work through a set of agencies in which the whole membership has confidence. How can the legislature have confidence in the decision of a committee when it finds it impossible to call to account the individual committee members for that decision? Under the present system the committee chairman is usually the only member ever called to explain a decision, and in many cases this is primarily because he is the only member who understands or even remembers the legislation under consideration.

---

<sup>134</sup> "My legislative experience and observations have led me to the conclusion that under our present committee system it is quite impossible for a member of the Senate to attend meetings of all of the committees of which he is a member." Letter from the Hon. H. P. Taylor, Lieutenant Governor of North Carolina, to Albert Coates, October 11, 1950.

<sup>135</sup> See *Winslow*, page 184.

Actual experience in the North Carolina General Assembly sheds some light on the worth of smaller committees. In analyzing the speed with which standing committees handle the bills referred to them<sup>136</sup> it appeared that in each case the Senate committee working in a given field was composed of fewer members than the comparable House committee. In no case did a comparable committee in one house have to consider more than 10% more bills than its counterpart in the other house. Yet in every case, except one very minor one, the Senate committee in a given field showed, in all comparisons, an appreciably shorter period of time consumed in considering the average bill dealt with. Could the difference in size have helped account for this time differential?

Another illustration can be found in the calendar committees. In the last three sessions the membership of no calendar committee has exceeded nine. When contrasted with the size of the average standing committee this is a reliable indication that in the minds of the presiding officers small committees of experts offer more promise of dispatch in handling business than large committees. The average Senate committee sampled<sup>137</sup> used 5.99 days to consider the average bill, and the average House committee sampled used 9.57 days. In the last three sessions, the calendar committees have acted on something more than twenty bills a day.<sup>138</sup> While calendar committees admittedly serve in an emergency situation and are unable to give deliberate attention to each bill before them, the fact remains that these small committees have been able to act with dispatch and, as far as the evidence shows, their recommendations have been attacked little more than those of the ponderous standing committees.

The most obvious illustration of the efficiency of smaller committees lies in North Carolina's wide use of subcommittees. When faced with a proposal that needs close study or a bill that needs re-writing or complicated amendment, it is common practice for a standing committee chairman to select a few committee members he feels best qualified and to appoint them to act as a subcommittee to handle the matter. This is practical recognition of the value of a small group of skilled people in contrast to a large group of people, some interested and skilled, some not.

Remembering Congressman Luce's advice about committee sizes, it is interesting to refer to the committee system in Wisconsin as a practical example. In 1949 its senate had but ten committees, aver-

---

<sup>136</sup> See Figure I.

<sup>137</sup> *Ibid.*

<sup>138</sup> See Figure E and statistics cited *supra*, page 3. This figure was slightly higher in 1951.

aging about 5.1 members per committee. In its lower house there were only twenty-three committees with an average membership of seven. There were two joint committees.<sup>139</sup>

### Recommendations Concerning 1951 Senate Committees

Late in December, 1950, after studying the foregoing portions of this report, Lieutenant Governor Taylor drew up a tentative set of proposals for recommendation to the 1951 Senate Rules Committee. Among other things, he hoped to be able to persuade his committee that the Senate could function with only twenty-five standing committees. He then courteously asked the Institute of Government to comment on his proposals.<sup>140</sup> The Institute's comments are inserted here because they complete the background for an inquiry into the actual changes made in the 1951 Senate rules.

"You may be asked what will happen to bills that formerly would have been referred to the committees you propose to eliminate. In thinking about that, I have listed the twenty-five committees you propose to retain, and in brackets by certain of them I have inserted the names of most of the eliminated committees. My idea was to answer that question; the bills that might have been sent to a particular committee now eliminated would go to that one of the twenty-five committees into which the eliminated committee has been consolidated. You may not agree with my analysis in every case, but I believe we will be in substantial agreement. Here is the way I would group them:

1. Agriculture
2. Appropriations [Claims; Pensions and Soldiers' Home]
3. Banks and Currency
4. Commercial Fisheries
5. Conservation and Development [Wildlife Resources; Internal Improvements; Mining]
6. Counties, Cities, and Towns [Salaries and Fees]
7. Courts and Judicial Districts [Justices of the Peace]
8. Education [Library]
9. Employment Security
10. Finance
11. Insurance
12. Interstate and Federal Relations
13. Judiciary No. 1 [Together, the judiciary committees would handle General Statutes and Constitutional Amendments]
14. Judiciary No. 2 [Together, the judiciary committees would handle General Statutes and Constitutional Amendments]

<sup>139</sup> BOOK OF THE STATES, page 115.

<sup>140</sup> Letter from the Hon. H. P. Taylor to Albert Coates and the writer, December 22, 1950.

15. Manufacture, Labor, and Commerce [Corporations; Immigration; Water Commerce]
16. Mental Institutions
17. Military Affairs [Veterans Affairs]
18. Propositions and Grievances
19. Public Health
20. Public Roads
21. Public Utilities [Railroads]
22. Public Welfare [Institutions for the Blind; State Commission for the Blind; Institutions for the Deaf; Penal Institutions]
23. Rules [Journal, Distribution of the Governor's Message; Senate Expenditures; Printing; Engrossed and Enrolled Bills]
24. Teachers and State Employees Retirement
25. Trustees of the University

In making this analysis there are certain things that strike me as worth your consideration:

“(1) What about joint committees of the Senate and House?

“Under Rule 29 of the 1949 Senate provision is made for joint committees on University Trustees and on Printing. Under Rule 47 of the 1949 House provision is made for joint committees on Printing, Trustees of the University, Enrolled Bills, Justices of the Peace, Library, and Public Buildings and Grounds. In the list of twenty-five Senate committees proposed only Trustees of the University is retained as a separate standing committee. As a matter of courtesy it may be advisable for the Senate to appoint members to serve on all these joint committees if the House again adopts the same list (although this was not done in 1949). In that case, in addition to the standing committees for the Senate alone, you would need to appoint senators to serve on the joint committees, one of which would be that on University Trustees, a committee that could then be eliminated from your list of twenty-five. Actually, however, the Senate members of the joint committees could be drawn from the membership of those of the twenty-five committees which would be responsible for bills that formerly would have been referred to these separate committees. For example, a subcommittee from the Committee on Courts and Judicial Districts could serve on a joint committee on Justices of the Peace; a subcommittee from the Senate Committee on Education could serve on a joint committee on Library; and one subcommittee from the Senate Rules Committee could serve on a joint committee on Enrolled Bills and another on Printing. In fact, with regard to the joint committee on Printing this seems to be exactly what Rule 49 of the 1949 Senate contemplated. In this connection I might suggest that in any case Rule 30 of the 1949 Senate would have to be amended

to change the present reference to the Committee on Engrossed Bills to read the Committee on Rules.

“(2) Which of the twenty-five committees would handle what I call ‘political questions’?”

“In past sessions these matters have been handled in the Senate by the following committees: Election Laws, Congressional Districts, and Senatorial Districts. Of course, one committee is sufficient to handle all matters that would normally be referred to these three committees, but which of the twenty-five would be best prepared to handle them? I would naturally hesitate to add a twenty-sixth committee to the list you propose since twenty-five will work so practically in the matter of chairmanships. I believe there is a solution to the problem. If, as I have suggested above, the Committee on University Trustees is treated as a joint committee and not as a committee of the Senate alone, it can be removed from the list of Senate standing committees and treated as something different. Then a committee called, for example, Elections, could be substituted as the twenty-fifth committee. Such a committee would be able to replace the three ‘political’ committees I have mentioned.

“(3) Will the Committee on Counties, Cities, and Towns be given too much proposed legislation for efficient operations?”

“I ask this question because, as I have indicated in the list, I assume that it would be your idea to refer to this committee all bills that have in the past been referred to the Committee on Salaries and Fees. I raise this question primarily because I see some possibility that this committee may find in this increased business a reason for increased carelessness in the disposition of local bills. Actually, of course, there is almost no reason for making a distinction in salary and fee bills and other local bills in so far as committee assignment is concerned. The only difficulty lies in the bulk of legislation that this consolidated committee would be forced to handle. Nevertheless, I believe there is a double-barrelled solution to the problem without adding another committee. First, if the membership of this committee is kept rather small and if its chairman and vice-chairman are chosen with an eye to finding two attorneys in the Senate with some background as county or city attorneys the problem will be well on the way to solution. Second, if local bills are referred to other standing committees wherever the subject-matter will allow I think this committee will have little complaint about the mass of bills assigned to it.

“(4) I might call your attention to Rule 33 of the 1949 Senate governing the appointment of clerks for certain standing committees. Should the list of committees you propose be adopted this rule will

require some slight amendment to reflect the elimination of certain committees by name.

"In the listing I set up at the opening of my letter you will observe that I envision having the Rules Committee take over the functions formerly performed by several committees. This would mean, as I believe you intend, that all the administrative functions would be centralized in that one committee. This seems very desirable.

"To summarize, here is the way I would recommend that the committees be set up:

"I would appoint the following standing committees to serve the Senate alone—

1. Agriculture
2. Appropriations
3. Banks and Currency
4. Commercial Fisheries
5. Conservation and Development
6. Counties, Cities, and Towns
7. Courts and Judicial Districts
8. Education
9. Elections
10. Employment Security Commission
11. Finance
12. Insurance
13. Interstate and Federal Relations
14. Judiciary I
15. Judiciary II
16. Manufacture, Labor, and Commerce
17. Mental Institutions
18. Military Affairs
19. Propositions and Grievances
20. Public Health
21. Public Roads
22. Public Utilities
23. Public Welfare
24. Rules
25. Teachers and State Employees Retirement

"I would make provision for Senate members on the following joint committees of the Senate and House by providing for subcommittees from the standing committees indicated—

1. Trustees of the University (from Senate Committee on Education)
2. Printing (from Senate Rules Committee)
3. Engrossed and Enrolled Bills (from Senate Rules Committee)

4. Library (from Senate Committee on Education)
5. Justices of the Peace (from Senate Committee on Courts and Judicial Districts)

“There is a possible alternative if you feel that it is wise to retain the Committee on University Trustees in the list of twenty-five. I would suggest in such a case that the other joint committee proposals I have made stand, but that you combine the committees on Retirement and Public Welfare, or you might combine the Committee on Insurance with the Committee on Banks and Currency, making some appropriate change in its name, such as the Committee on Banks and Insurance.”<sup>141</sup>

---

<sup>141</sup> Letter from the writer to the Hon. H. P. Taylor, December 28, 1950.



*Part 3*

COMMITTEES IN THE 1951  
GENERAL ASSEMBLY



# COMMITTEES IN THE 1951 GENERAL ASSEMBLY

## Introduction

Two weeks after PARTS 1 and 2 of this study were submitted to Lieutenant Governor Taylor, and at about the time the correspondence reported in the preceding section was in progress, the newspapers reported that the lieutenant governor was thinking seriously of asking the 1951 Senate to make a sharp reduction in the number of standing committees used by that body. One reporter stated that Mr. Taylor thought twenty-five or thirty committees could handle the Senate's business as well or better than the fifty-two committees provided by the 1949 rules. This reporter also stated that the lieutenant governor planned to compensate for the reduction in committee chairmanships by asking for authority to name vice chairmen for the committees authorized in 1951.<sup>142</sup>

Prior to the 1951 session the two candidates for the speakership of the House made no statements concerning the number of committees they would ask the House to provide for in 1951, nor did they make any reference to the desirable number of members per committee or the number of committee seats per member.

When the General Assembly convened on January 3, 1951, Lieutenant Governor Taylor named a Senate Rules Committee composed of all twenty-three members with prior service in the Senate and named the president pro tem, Senator R. Grady Rankin, as its chairman. "In a session held in the Senate Chamber just a couple of hours after the Senate had recessed for the day, [the Rules Committee] approved with only slight changes Taylor's proposals to cut down sharply on the number of committees and streamline them in size. The committee's action was unanimous."<sup>143</sup> The *News and Observer* reported that the lieutenant governor "had planned to go much farther with his Senate reorganization plan than he finally proposed. He wanted to reduce the Senate's fifty-two committees to twenty-five, [but he] decided to compromise on thirty-six."<sup>144</sup>

Representative W. Frank Taylor of Wayne was elected Speaker of the 1951 House at its opening session. The newspapers reported that he intended to reduce the number of assignments to individual House committees as well as the number of committee assignments per member.

---

<sup>142</sup> *The Charlotte Observer*, December 19, 1950.

<sup>143</sup> *News and Observer*, Raleigh, N. C., January 4, 1951.

<sup>144</sup> "Under the Dome," *News and Observer*, Raleigh, N. C., January 4, 1951.

The House rules for 1951 made no changes in regard to committees, but, as already mentioned, there were several drastic changes in the Senate rules on the subject. Those changes can be summarized as follows:

(1) The number of standing committees was reduced from fifty-two to thirty-six.<sup>145</sup>

(2) Joint committees as distinguished from standing committees were eliminated. Instead, the members of the following standing committees were nominated to serve as Senate members of joint committees named in the House rules:

Trustees of the University  
Justice of the Peace  
Public Buildings and Grounds  
Journal, Engrossing, Enrolling, and Printing

The chairman of the Committee on Education, with the President's approval, was authorized to appoint from the membership of the Committee on Education a Subcommittee on Library to serve in a similar capacity.<sup>146</sup>

(3) Each standing committee except the following was limited to sixteen members:

Rules  
Appropriations  
Finance  
Agriculture  
Public Roads  
Education<sup>147</sup>

(4) No member of the Senate was allowed to sit on more than nine standing committees without permission of the Rules Committee.<sup>148</sup>

Figure C in the principal study lists the standing committees of the two North Carolina houses in 1949 and shows the situations in which one house had a committee in a particular field and the other did not. The listing in Figure L provides a similar comparison for the two houses in 1951. An examination of this tabulation shows in 1951 a total of forty-six standing committees in the House as contrasted with thirty-six in the Senate.

---

<sup>145</sup> 1951 Senate Rule 28.

<sup>146</sup> 1951 Senate Rule 29.

<sup>147</sup> 1951 Senate Rule 30.

<sup>148</sup> *Ibid.*

FIGURE L  
NORTH CAROLINA GENERAL ASSEMBLY OF 1951  
STANDING COMMITTEES OF SENATE AND HOUSE

SOURCE: Senate and House Journals for 1951

NOTE: Comparable committees in the two houses are listed beside each other

*Senate Standing Committees*

1. Agriculture
2. Appropriations
3. Banks and Currency
4. Commercial Fisheries
5. Conservation and Development
6. Constitutional Amendments
7. Counties, Cities, and Towns
8. Courts and Judicial Districts
9. Education
10. Election Laws
11. Employment Security
12. Finance
13. General Statutes
14. Institutions for the Blind and Deaf
15. Insurance
16. Interstate and Federal Relations
17. Journal, Engrossing, Enrolling, and Printing
18. Judiciary No. 1
19. Judiciary No. 2
20. Justice of the Peace
21. Manufacturing, Labor, and Commerce
22. Mental Institutions
23. Penal Institutions
24. Propositions and Grievances

*House Standing Committees*

1. Agriculture
2. Appropriations
3. Banks and Banking
4. Commercial Fisheries and Oyster Industry
5. Congressional Districts
6. Conservation and Development
7. Constitutional Amendments
8. Corporations
9. Counties, Cities, and Towns
10. Courts and Judicial Districts
11. Drainage
12. Education
13. Elections and Election Laws
14. Employment Security
15. Engrossed Bills
16. Expenditures of the House
17. Finance
18. Higher Education
19. Institutions for the Deaf
20. Commissions and Institutions for the Blind
21. Insurance
22. Federal and Interstate Cooperation
23. Enrolled Bills (joint)
24. Journal
25. Judiciary No. 1
26. Judiciary No. 2
27. Justices of the Peace (joint)
28. Library (joint)
29. Manufacturers and Labor
30. Mental Institutions
31. Military Affairs
32. Penal Institutions
33. Propositions and Grievances
34. Printing (joint)

*Senate Standing Committees*

25. Public Buildings and Grounds
26. Public Health
27. Public Roads
28. Public Utilities
29. Public Welfare
30. Rules
31. Salaries and Fees
32. Senatorial Districts
33. Teachers' and State Employees' Retirement
34. University Trustees
35. Veterans and Military Affairs
36. Wildlife

*House Standing Committees*

35. Public Buildings and Grounds (joint)
36. Health
37. Roads
38. Public Utilities
39. Public Welfare
40. Rules
41. Salaries and Fees
42. Senatorial Districts
43. Teachers' and State Employees' Retirement
44. Trustees of the University (joint)
45. Veterans Legislation
46. Wildlife Resources

---

### Standing Committees in the 1951 Senate

**Number.**—Rule 28 of the 1951 Senate made provision for the appointment of thirty-six standing committees, sixteen fewer than the 1949 total of fifty-two. No committees were listed as “joint” committees separate from standing committees.

Although the number of committees in 1951 was sixteen fewer than the Senate had used in 1949, it is not completely accurate to assume that the Senate simply eliminated that many former committees. Comparison of the 1949 and 1951 committee lists discloses that nineteen committees named in the 1949 rules and listed below were not listed as such in the 1951 rules:

- |   |  |
|---|--|
| 1. Claims                                 | 11. Library  |
| 2. Congressional Districts                | 12. Military Affairs                               |
| 3. Corporations                           | 13. Mining   |
| 4. Distribution of the Governor's Message | 14. Pensions and Soldiers' Home                    |
| 5. Engrossed and Enrolled Bills           | 15. Railroads                                      |
| 6. Immigration                            | 16. Senate Expenditures                            |
| 7. Institutions for the Blind             | 17. State Commission for the Blind                 |
| 8. Institutions for the Deaf              | 18. Veterans' Affairs                              |
| 9. Internal Improvements                  | 19. Printing (listed as a joint committee in 1949) |
| 10. Journal                               |  |

On the other hand, the 1951 rules carry the names of several committees which, in name at least, can be considered as new to the Senate:

1. Institutions for the Blind and Deaf
2. Journal, Engrossing, Enrolling, and Printing
3. Veterans and Military Affairs
4. Public Buildings and Grounds

If these two lists are compared it will be plain that the first three "new" committees listed here were designed as consolidations of two or more of the former committees. The fourth, a Committee on Public Buildings and Grounds, is entirely new for the Senate.

Assuming that this analysis of mergers is correct, it is proper to say that the 1951 Senate eliminated only eleven of the standing committees used in 1949:

- |   |                                |
|---|--------------------------------|
| 1. Claims                                 | 6. Internal Improvements       |
| 2. Congressional Districts                | 7. Mining                      |
| 3. Corporations                           | 8. Pensions and Soldiers' Home |
| 4. Distribution of the Governor's Message | 9. Railroads                   |
| 5. Immigration                            | 10. Senate Expenditures        |
|   | 11. Water Commerce             |

In the principal study the North Carolina Senate was ranked in several ways with its companion upper legislative houses in the United States. The numerical reduction in standing committees in 1951 had noticeable effect on those rankings. The ratio of total Senate membership to the total number of standing committees<sup>149</sup> has risen from 0.96 to 1.39. Formerly the North Carolina Senate stood second in the United States in total number of standing committees;<sup>150</sup> it now stands eighth. Its rank according to ratio of membership to total number of standing committees has risen from thirty-first<sup>151</sup> to twenty-first. It is clear, of course, that these comparisons and rankings reflect only the bare numerical reduction effected in 1951, but they demonstrate that the 1951 Senate brought itself much nearer the middle ground among upper houses in this country, and at the same time brought itself nearer its companion house in North Carolina.

When a legislative body reduces its standing committees by 30% it is natural to inquire what effect the reduction had on the remaining committees. Did it mean more work for them? Were there sufficient committees to handle the kinds of legislation proposed? This leads to an examination of individual committee work-loads both before and after the reduction. Following the pattern of the principal study, work-load can be measured best by the number of bills referred to a committee and the percentage of total referrals considered by the individual committee. Figure M records and compares the total number of bills and the percentage of total referrals for each 1951 Senate committee with similar figures representing averages for each committee's predecessor or predecessors in the three sessions preceding that of 1951.

<sup>149</sup> See Figure A.

<sup>150</sup> See Figure B, Part 2.

<sup>151</sup> *Ibid.*, Part 3.

## FIGURE M

## 1951 SENATE COMMITTEES

## WORK-LOAD COMPARED WITH THAT IN PREVIOUS SESSIONS

SOURCE: Figure E and 1951 Senate Journal.

<i>Committee</i>	<i>Average Number of Bills Referred and Percentage of Total Referrals in 1945, 1947, and 1949 Sessions</i>		<i>Number of Bills Referred and Percentage of Total Referrals in 1951 Session</i>	
Agriculture	26	( 2.30%)	22	( 1.43%)
Appropriations	45	( 3.60%)	77	( 5.02%)
Banks and Currency	8	( 0.40%)	5	( 0.32%)
Calendar	28	( 1.90%)	36	( 2.35%)
Commercial Fisheries	5	( 0.40%)	9	( 0.58%)
Conservation and Development	23	( 1.80%)	13	( 0.84%) *
General Statutes	0.6	( 0.06%)	2	( 0.13%)
Constitutional Amendments	4	( 0.30%)	9	( 0.58%)
Counties, Cities, and Towns	326	(25.40%)	303	(19.79%) *
Courts and Judicial Districts	56	( 4.20%)	76	( 4.96%)
Education	50	( 3.80%)	67	( 4.37%)
Election Laws	15	( 1.20%)	22	( 1.43%)
Employment Security	6	( 0.50%)	3	( 0.19%)
Finance	140	(10.80%)	115	( 7.51%) *
Institutions for the Blind and Deaf	2	( 0.20%)	1	( 0.06%)
Insurance	13	( 1.00%)	16	( 1.04%)
Interstate and Federal Relations	2	( 0.20%)	3	( 0.19%)
Journal, Engrossing, Enrolling, and Printing	.....	.....	.....	.....
Judiciary No. 1	163	(12.50%)	200	(13.06%)
Judiciary No. 2	117	( 9.00%)	161	(10.51%) *
Justice of the Peace	2	( 0.20%)	5	( 0.32%)
Manufacturing, Labor, and Commerce	4	( 0.30%)	4	( 0.26%)
Mental Institutions	3	( 0.20%)	2	( 0.13%)
Penal Institutions	2	( 0.10%)	1	( 0.06%)
Propositions and Grievances	29	( 2.10%)	29	( 1.89%)
Public Buildings and Grounds	.....	.....	1	( 0.06%)
Public Health	22	( 1.70%)	21	( 1.37%)
Public Roads	26	( 1.90%)	76	( 4.96%) *
Public Utilities	10	( 0.80%)	5	( 0.32%)
Public Welfare	10	( 0.80%)	14	( 0.91%)
Rules	.....	.....	.....	.....
Salaries and Fees	120	( 9.00%)	175	(11.43%) *
Senatorial Districts	0	( 0.00%)	3	( 0.19%)
Teachers and State Employees Retirement	15	( 1.20%)	20	( 1.30%)
Trustees of the University	0.6	( 0.06%)	0	( 0.00%)
Veterans and Military Affairs	11	( 0.90%)	1	( 0.06%)
Wildlife	21	( 1.40%)	34	( 2.22%)

An examination of the figures shown in Figure M demonstrates that in only seven cases did the 1951 committee's work-load vary as much as 1% from the average work-load of its predecessor committee or committees over the three preceding sessions. These cases are indicated with an asterisk (\*) in the listing. Six of the seven showing as much as a 1% variance are "major" committees as that term is used in the principal study,<sup>152</sup> and in four of these six cases the variance is a plus, a confirmation of the position taken in the principal study that "major" committees tend to get more and more work from session to session.

This lack of substantial increase in the work-load assigned the remaining Senate committees prompts a reiteration of the past record of the amount of work handled by the eliminated or consolidated committees. The following statistics<sup>153</sup> record the percentage of total referrals handled by each of the eliminated or consolidated committees in the three sessions prior to 1951:

Committee	Percentage of Total Referrals Considered in Sessions Indicated		
	1945	1947	1949
Claims	0	0	0
Congressional Districts	0	0	0.1%
Corporations	0.2%	0.1%	0.1%
*Distribution of the Governor's Message	0	0	0
*Engrossed and Enrolled Bills	0	0	0
Immigration	0	0	0
Institutions for the Blind	0.2%	0.2%	0.2%
Institutions for the Deaf	0	0	0
Internal Improvements	0	0	0.1%
*Journal	0	0	0
Library	0.3%	0	0.5%
Military Affairs	0	0.2%	0.1%
Mining	0	0	0
Pensions and Soldiers' Home	0.3%	0	0.1%
Railroads	0.1%	0	0.1%
*Senate Expenditures	0	0	0
State Commission for the Blind	....	0	0
Veterans' Affairs	1.5%	0.4%	0.5%
*Printing	0	0	0

The committees marked with an asterisk (\*) in this listing were, as their titles indicate, never intended to be used for the consideration of bills, and, for that reason, should not be judged on the basis of referrals. Nevertheless, the reason for the lack of substantial increase in

<sup>152</sup> See *supra*, page 25 *et seq.*

<sup>153</sup> See Figure E.

the work-load of the thirty-six remaining committees becomes quite clear from this tabulation. The eliminated committees had not been handling any appreciable part of the work-load for some time.

The following tabulation probably offers the most graphic statement of the effect eliminating eleven committees had on those remaining. It shows plainly for 1949 and 1951 how the work-load was divided among the committees.

	1949	1951
Number of committees handling as much as		
10% of all the bills referred to committees	3	4
5% of all the bills referred to committees	5	6
2% of all the bills referred to committees	10	10
Number of committees handling less than		
2% of all the bills referred to committees	42	26
1% of all the bills referred to committees	20	17
Number of committees handling no bills at all	11	3

Committees in the upper work-load bracket felt only slight effects from the 1951 reduction, but committees in the lower work-load bracket showed marked change. The action of the 1951 Senate in reducing the number of committees had little effect on the over-loading or under-loading of individual committees. Its chief effect was to eliminate a set of relatively unused committees from its committee list.

Even though the reduction in number of committees seems to have caused little change in the work-load of the individual committees retained, it is still pertinent to inquire into the effect of the eliminations and consolidations on the committee groupings proposed by the principal study. Committees were classified in the principal study in two ways, one on the basis of subject-matter and one on the basis of usefulness regardless of subject-matter.

This second system of classification cut across subject-matter fields. It was found, for example, that prior to 1951 there were five Senate committees of a *non-substantive nature*, that is, committees which did not handle bills.<sup>154</sup> Instead, these five committees had been introduced to take care of housekeeping details of the chamber. Two of these committees were completely eliminated in 1951,<sup>155</sup> and the remaining three were consolidated into a single committee.<sup>156</sup> Interestingly enough, this consolidated committee found it advisable to hold a few meetings during the 1951 session, a practice unknown for committees in this field for many sessions. What is more significant is that the

<sup>154</sup> *Supra*, page 68.

<sup>155</sup> Distribution of the Governor's Message and Senate Expenditures.

<sup>156</sup> Journal, Printing, and Engrossed and Enrolled Bills.

eliminations and consolidations caused no difficulty whatsoever in the administration of the Senate's business.

The 1949 Senate rules called for seven committees of a *supervisory nature*, that is, committees that might be called upon to handle legislation dealing largely with the management of certain state institutions and agencies.<sup>157</sup> Two of these were merged,<sup>158</sup> three were eliminated,<sup>159</sup> and two were retained.<sup>160</sup>

The principal study also catalogued twenty-eight committees as *dead or useless* as separate committees.<sup>161</sup> Of this number ten were eliminated completely in 1951,<sup>162</sup> one was eliminated as a separate committee but retained as a subcommittee,<sup>163</sup> six were consolidated into three new committees,<sup>164</sup> and eleven were retained.<sup>165</sup>

In addition to these inter-classification categories of committees, the principal study attempted to group the 1949 standing committees of the Senate according to the broad areas of legislative activity or interest. Altogether, counting the non-substantive or housekeeping committees and the calendar committee, eleven fields of interest or classifications were developed. Having seen the effects of reduction in the number of committees on the inter-classification groupings of committees, it becomes important to see what effect reduction had on the various committee groupings within each subject-matter classification. The following table compares the number of standing committees in each broad classification in 1951 with the number in each field in 1949:

---

<sup>157</sup> *Supra*, page 69.

<sup>158</sup> Institutions for the Blind and Institutions for the Deaf.

<sup>159</sup> Pensions and Soldiers' Home, State Commission for the Blind, and Library.

<sup>160</sup> Mental Institutions and Penal Institutions.

<sup>161</sup> Banks and Currency, Claims, Commercial Fisheries, Congressional Districts, General Statutes, Constitutional Amendments, Corporations, Immigration, Institutions for the Blind, Institutions for the Deaf, Distribution of the Governor's Message, Engrossed and Enrolled Bills, Internal Improvements, Interstate and Federal Relations, Journal, Justice of the Peace, Library, Manufacturing, Labor, and Commerce, Mental Institutions, Military Affairs, Printing, Railroads, Senate Expenditures, Senatorial Districts, Trustees of the University, Employment Security, Water Commerce, and State Commission for the Blind. *Supra*, page 70.

<sup>162</sup> Claims, Congressional Districts, Corporations, Immigration, Distribution of the Governor's Message, Internal Improvements, Library, Railroads, Senate Expenditures, Water Commerce, and State Commission for the Blind.

<sup>163</sup> Library was made a subcommittee of the Committee on Education.

<sup>164</sup> Institutions for the Blind and Institutions for the Deaf; Engrossed and Enrolled Bills, Journal, and Printing; Military Affairs with Veterans' Affairs.

<sup>165</sup> Banks and Currency, Commercial Fisheries, General Statutes, Constitutional Amendments, Interstate and Federal Relations, Justice of the Peace, Manufacturing, Labor, and Commerce, Mental Institutions, Senatorial Districts, Trustees of the University, and Employment Security.

<i>Area of Interest or Classification</i>	<i>Number of Committees in the Area</i>		<i>Increase or Decrease</i>
	1949	1951	
Internal Affairs of the Body	6	2	—4
Political Questions	4	3	—1
Financial Matters	3	2	—1
Civil and Criminal Law	3	3	0
Development and Conservation	4	3	—1
Schools and Education	3	2	—1
Health and Welfare Matters	13	8	—5
Business, Agriculture, and Industry	10	6	—4
Local Governmental Affairs	3	3	0
Calendar Committee	1	1	0
Miscellaneous	3	4	+1
Totals <sup>166</sup>	53	37	—16

Seven classification fields felt a reduction in committee strength, one felt an increase, and three felt no change at all. The reductions ranged from 66 2/3% in the field called Internal Affairs of the Body to 25% in the fields called Political Questions and Development and Conservation. This comparison of the number of committees per field shows that the reductions were not confined to particular areas of legislative business, and significantly it indicates a better balance of committees among the various fields of work. In 1949 the range ran from thirteen committees in one field down to three committees in each of five fields. In 1951 the range ran from eight committees in one field to a low of two committees in each of three fields.

The one field showing an increase, Miscellaneous, saw the addition in 1951 of a Committee on Public Buildings and Grounds. The House of Representatives has used such a committee for some years, and since the House considers it a "joint" committee, the Senate seems to have taken the position that it should reciprocate.

Mere numerical reduction in the standing committees within subject-matter fields is significant, but it can be appreciated best in terms of the percentage of the legislative work-load borne by each of those fields. The following table, derived from Figure F and supplemented with 1951 statistics from Figure M, compares the fields of legislative activity in 1951 and prior years with respect to total number of committees used, amount of work handled, and number of relatively unused committees.

<sup>166</sup> The Calendar Committee is included in these figures.

<i>Field of Interest</i>	<i>Number of Senate Committees in Field</i>		<i>% of Total Work of Legislature in the Field</i>		<i>Number of Committees in Field Having Little or No Work Assigned</i>	
	1949	1951	<i>Prior to 1951</i>	1951	<i>Prior to 1951</i>	1951
Internal Affairs of the Body	6	2	0.13	0.00	....	....
Political Questions	4	3	1.36	1.81	3	2
Financial Matters	3	2	14.56	12.53	1	0
Civil and Criminal Law	3	3	21.63	23.70	1	1
Development and Conservation	4	3	4.23	8.02	1	0
Schools and Education	3	2	4.10	4.37	2	1
Health and Welfare Matters	13	8	3.73	4.08	10	6
Business, Agriculture, and Industry	10	6	5.36	3.95	7	4
Local Governmental Affairs	3	3	34.60	31.14	1	1
Calendar	1	1	1.86	2.35	....	....
Miscellaneous	3	4	6.50	7.49	1	2

The first point of significance demonstrated by these figures is that the amount of legislation handled in any particular classification seems to remain fairly constant from session to session. In only two cases did the work in a given field vary more than 3% in 1951 from what it had averaged in the three prior sessions: an increase of 3.79% in the field of Civil and Criminal Law and a decrease of 3.46% in the field of Local Governmental Affairs. It should be observed, however, that these two fields saw almost no change in the committees working on the legislation assigned them.

The second point to be made about these figures is that 1951 experience in some cases made it clear that, despite reductions in inactive committees, additional committees became relatively inactive. For example, the field of Business, Agriculture, and Industry with a total of ten committees had seven relatively inactive committees in 1949. Despite the fact that in 1951 the field was reduced to a total of six committees, the record indicates that four rather than three committees in this field remained relatively inactive.

Without considering the committees dealing with Internal Affairs of the Body, the tabulation shows that in 1949 there were twenty-seven standing committees in the Senate with little or no work to do. The 1951 listing shows that this number had been cut to seventeen. In two fields the unused committees were completely eliminated.

FIGURE N  
1951 SENATE  
DIVISION OF WORK-LOAD AMONG FIELDS OF LEGISLATIVE  
ACTIVITY AND AMONG COMMITTEES

SOURCE: Figure M.

<i>Field of Interest</i>	<i>Percentage of Total Work in the Field</i>	<i>Committees in the Field</i>	<i>Percentage of Total Work Handled by Each Committee</i>
Internal Affairs of the Body	.....	.....	.....
Political Questions	1.81	{ Election Laws	1.43
		{ Interstate and Federal Relations	0.19
		{ Senatorial Districts	0.19
Financial Matters	12.53	{ Appropriations	5.02
		{ Finance	7.51
Civil and Criminal Law	23.70	{ Judiciary No. 1	13.06
		{ Judiciary No. 2	10.51
		{ General Statutes	0.13
Development and Conservation	8.02	{ Conservation and Development	0.84
		{ Public Roads	4.96
		{ Wildlife	2.22
Schools and Education	4.37	{ Education	4.37
		{ Trustees of the University	0.00
Health and Welfare Matters	4.08	{ Institutions for Blind and Deaf	0.06
		{ Employment Security	0.19
		{ Mental Institutions	0.13
		{ Penal Institutions	0.06
		{ Public Health	1.37
		{ Public Welfare	0.91
		{ Retirement	1.30
		{ Veterans and Military Affairs	0.06

<i>Field of Interest</i>	<i>Percentage of Total Work in the Field</i>	<i>Committees in the Field</i>	<i>Percentage of Total Work Handled by Each Committee</i>
Business, Agriculture and Industry	3.95	Agriculture	1.43
		Banks and Currency	0.32
		Commercial Fisheries	0.58
		Insurance	1.04
		Manufacturing, Labor, and Commerce	0.26
		Public Utilities	0.32
Local Governmental Affairs	31.54	Counties, Cities and Towns	19.79
		Justice of the Peace	0.32
		Salaries and Fees	11.43
Calendar	2.35	Calendar	2.35
Miscellaneous	7.49	Courts and Judicial Districts	4.96
		Propositions and Grievances	1.89
		Public Buildings and Grounds	0.06
		Constitutional Amendments	0.58

There is considerable justification for dividing the areas of legislative business into fields of interest or classifications of the kind used in this study, and, if that is true, there is a strong argument for retaining at least one standing committee in each field even if the workload as between fields is not well balanced. On the other hand, there is serious question about the wisdom of retaining a number of unused or relatively inactive committees in a field of legislative business which unfailingly remains very small. Figure N supplies data to be used in considering this question.

On the basis of the kinds of bills introduced and the committees to which they have been referred in 1951 and in the three preceding sessions of the Senate, it is apparent that the anticipated legislative work-load can be divided by fields of interest roughly as follows:

Local Governmental Affairs	33%
Civil and Criminal Law	23%
Financial Matters	14%
Miscellaneous	7%
Development and Conservation	6%
Business, Agriculture, and Industry	5%
Schools and Education	4%
Health and Welfare Matters	4%
Political Questions	2%
Calendar Committee (actually Miscellaneous also)	2%

If this approximation can be relied on to predict the division of the Senate's work-load for the next few sessions at least, then, despite the marked reduction in committees effected in 1951, it is plain that the anticipated work-load and the allocation of committees is still out of line. The following summary will illustrate the point:

<i>Field of Interest</i>	<i>Anticipated Work-Load</i>	<i>Number of Committees in the Field</i>		
		<i>Active</i>	<i>Inactive</i>	<i>Total</i>
Local Governmental Affairs	33%	2	1	3
Civil and Criminal Law	23%	2	1	3
Financial Matters	14%	2	0	2
Miscellaneous	7%	2	2	4
Development and Conservation	6%	3	0	3
Business, Agriculture, and Industry	5%	2	4	6
Schools and Education	4%	1	1	2
Health and Welfare Matters	4%	2	6	8
Political Questions	2%	1	2	3
Calendar Committee	2%	1	0	1

Certainly the number of active committees in a field seems to bear no relation to the amount of work falling in that field of legislation. While there is no reason for an arbitrary division of all bills equally among all committees, there is strong argument for working toward a reasonable balance of work among the committees. Certain fields of legislation will, as far as can be predicted, continue to draw the bulk of the proposed bills, and others will continue to draw fewer bills. Admitting the advisability of retaining at least one committee within each broad field of legislation, and also admitting that it is not necessarily wise to divide a single field of legislation simply because of bulk, it still seems reasonable to think in terms of achieving a better balance of the work-load among the committees. In some instances this might mean the addition of a committee to a field rather than the elimination of a committee. For example, while the committees on Counties, Cities, and Towns and Salaries and Fees are extreme-

ly busy in the field of Local Governmental Affairs, it might be advisable to divide this field still further. A new committee might be established to deal with local financial matters, thereby reducing the load carried by the Committee on Counties, Cities, and Towns as well as that presently carried by the Committee on Finance. To effect relief for the Finance Committee it would, of course, be necessary to amend 1951 Senate Rule 32,<sup>107</sup> but this would not necessarily make any difference in the kind of consideration given local financial legislation. Using 1951 figures for purposes of illustration, this rearrangement would have increased the Local Governmental Affairs work-load from 33% to about 37% and would have decreased the Financial Matters work-load from 14% to 10%. This reduction for the Finance Committee would allow more time for it to consider important revenue-raising measures of state-wide application, and the reference of all local financial legislation to a single committee would tend to reduce the disproportionate load now carried by the Committee on Counties, Cities, and Towns and, at the same time, afford local finance bills the chance of examination by a committee principally interested in local financial matters. Should this be tried, there would then be three active committees in the Local Governmental Affairs field, and only the Committee on Justices of the Peace would be relatively inactive. Since, as a practical matter, this committee functions more as a select committee than as a standing committee, there is no compelling reason for retaining it as a standing committee of the Senate. It could be replaced when needed either by a select committee appointed by the president or by a subcommittee from the standing Committee on Counties, Cities, and Towns or from the standing Committee on Courts and Judicial Districts.

The field of Civil and Criminal Law is now occupied by two judiciary committees (all attorneys in the Senate divided into two approximately equal groups) and a Committee on the General Statutes. While the recent history of legislative proposals indicates that about 23% of the business before the Senate will fall in this general area, that same history makes it perfectly plain that material changes in the law of the state will be referred to one of the two judiciary committees, not to the Committee on the General Statutes. It is interesting to note that this is the only Senate committee for which there is no House counterpart. Under the present referral practice the Gen-

---

<sup>107</sup> “. . . All bills introduced in the Senate providing for bond issues, levying taxes, or in any manner affecting the taxing power of the State *or any subdivision thereof*, shall be referred to the Committee on Finance, and bills referred to other committees carrying any of the provisions herein mentioned shall be re-referred to the Senate as being bills to be considered by the Finance Committee before proper action may be taken by the Senate [*Italics supplied*].” See *supra*, page 105.

eral Statutes Committee is allowed to handle only those bills which propose literary, typographical, or editorial changes in the code or those which propose changes in the powers and duties of the General Statutes Commission. There is very little basis for drawing any distinction between bills referred to this committee and to the two judiciary committees, and the number of bills referable to the General Statutes Committee does not justify its separate existence.

The field called Miscellaneous is staffed with committees on Courts and Judicial Districts, Constitutional Amendments, Propositions and Grievances, and, since 1951, Public Buildings and Grounds. A committee on constitutional amendments separate from the judiciary committees is hard to justify. It handles relatively little work, and what work it handles could be disposed of by the judiciary committees without materially increasing their burden. The Committee on Public Buildings and Grounds (apparently adopted to match a similar House committee) has almost no work, and the work assigned to it could be handled by a select committee when needed or by a subcommittee appointed from one of the standing committees retained in the Development and Conservation field.

About 5% of the legislative load is handled by six committees in the field of Business, Agriculture, and Industry. Actually only two of these six committees consider as much as 1% of the proposed legislation each, the committees on Agriculture and Insurance. The difficulty of further consolidations in this general area lies in the diversity of occupations and businesses affected. This is illustrated by the names of the relatively inactive committees: Commercial Fisheries, Banks and Currency, Public Utilities, and Manufacturing, Labor, and Commerce. The name of the last committee is, of course, broad enough to cover almost any proposal in the field. It might be wise to consolidate the Committee on Commercial Fisheries with the Committee on Conservation and Development. While fishing and allied matters constitute a business, it is a business of a particular kind, and it is closely tied to conservation matters. Furthermore, the commercial fishing program is administered under the direction of the State Board of Conservation and Development. The banking business and the various kinds of public utilities might well be handled by the Committee on Manufacturing, Labor, and Commerce. Or possibly the banking and insurance committees might be combined. Either arrangement would leave only three separate committees in the field.

The field of Schools and Education is now occupied by two committees, Education and Trustees of the University. The Committee on Education functions as a regular standing committee and handles about 4% of the legislative work-load. On the other hand, the Com-

mittee on University Trustees is designed for the single purpose of making nominations, in conjunction with its sister committee in the House, to a joint session of the Senate and House for the election of new members of the University's governing board. This is more like the work of a select committee than that of a standing committee. And while its work has a political significance it does not fall properly within the field of Political Questions. Recognizing the importance of this committee's work and at the same time working to reduce the number of standing committees, it might be wise to delete the committee from the list of standing committees and have its work done either by the Committee on Education or by a select committee appointed when needed by the president.

The eight standing committees in the field of Health and Welfare Matters handle about 4% of the legislative work-load. Only three of these committees handle as much as 1% of the legislation each. Some rearrangement is still needed here. Since three of the relatively inactive committees in the field are all concerned with supervisory legislation for blind, deaf, mental, and penal institutions of the state, they might be combined into a single committee. The Committee on Public Welfare could handle matters now referred to Employment Security and to Veterans and Military Affairs in addition to the legislation it now handles. Such a rearrangement would reduce the committees in this field to four, a figure considerably more commensurate with its work-load than eight.

About 2% of the legislative work-load falls in the field of Political Questions. Even under the 1951 reduction there are still two almost inactive committees remaining in this field. One of them, Interstate and Federal Relations, is required by statute, and since it serves an interim purpose apart from its bill-handling purpose during sessions, it probably should be retained. There is, however, still a committee designated Senatorial Districts. For practical purposes this committee has work only in the sessions following a decennial census. In other sessions it lies dormant. It could be eliminated from the list of standing committees, and in the years in which needed it might be reinstated or, more properly, its work might be assigned to the Committee on Election Laws.

If all of these suggestions were followed, what would be the effect on the average committee work-load within each field of legislative activity? While the answer at best must be only an approximation, the following tabulation illustrates the probable effect of such rearrangements and eliminations:

<i>Field of Interest</i>	<i>Work-Load of Average Committee in the Field in 1951</i>	<i>Anticipated Work-Load of Average Committee in the Field if Suggested Changes are Adopted</i>
Internal Affairs of the Body	.....	.....
Local Governmental Affairs	11.00%	12.34%
Civil and Criminal Law	7.67%	11.63%
Financial Matters	7.00%	5.00%
Schools and Education	2.00%	4.00%
Development and Conservation	2.00%	2.08%
Calendar Committee	2.00%	2.00%
Miscellaneous	1.75%	3.50%
Business, Agriculture, and Industry	0.83%	1.67%
Political Questions	0.67%	1.00%
Health and Welfare Matters	0.50%	1.00%

Certainly the proposed rearrangement would not effect an equalization of work-load among all the standing committees, nor, as was pointed out initially, is complete balance desirable or feasible so long as the bulk of the proposed legislation continues to fall into two or three fields of interest. But the rearrangements, mergers, and eliminations proposed here would tend to improve the balance of the average committee loads in the various fields. If the committees in the fields of Local Governmental Affairs and Civil and Criminal Law are omitted from consideration, this point is particularly strong.

Thus, while the 1951 Senate took great strides toward the elimination of completely dead committees, the record of past sessions, together with the experience under the 1951 committee system, points to the need for additional changes if the goal is to provide a system of standing committees capable of handling the predictable legislation with expertness and efficiency.

**Size.**—In 1951 the North Carolina Senate joined the majority of American legislative bodies and adopted a rule specifying the maximum size for most of its standing committees.

Membership on standing committees shall consist of not more than sixteen Senators, including the Chairman and Vice Chairman who shall be designated by the President, *Provided* the committee membership on the Committee on Rules, the Committee on Appropriations, the Committee on Finance, the Committee on Agriculture, the Committee on Roads and the Committee on Education shall not be limited as to membership. No Senator shall hold membership on more than nine standing committees unless the Rules Committee provides otherwise.<sup>168</sup>

<sup>168</sup> 1951 Senate Rule 30.

This new rule contains two separate limitations, one as to the size of committees and one as to the number of committees on which a member may serve. With a total Senate membership of fifty, this rule insures that there are to be no more than 450 committee seats in all, a maximum of nine per senator unless the Rules Committee permits an exception. No exceptions were authorized in the 1951 session.

In 1931 the average member of an upper house in an American state legislature served on 7.6 committees. At that time, however, the average North Carolina Senator occupied 13.2 committee posts. In 1940 the average North Carolina senator sat on 17.3 committees. By 1949 there were 738 committee posts in the North Carolina Senate, an average of 14.76 per member.<sup>169</sup> The following list shows the actual size of each committee in the 1951 Senate.<sup>170</sup>

Finance	27
Appropriations	25
Public Roads	23
Rules	23
Agriculture	21
Education	20
Judiciary No. 2	16
University Trustees	16
Banks and Currency	15
Conservation and Development	15
Judiciary No. 1	15
Public Utilities	14
Insurance	13
Courts and Judicial Districts	12
Manufacturing, Labor, and Commerce	12
Counties, Cities, and Towns	11
Public Welfare	11
Wildlife	11
Employment Security	10
Propositions and Grievances	10
Salaries and Fees	10
Senatorial Districts	10
Mental Institutions	9
Public Buildings and Grounds	8
Public Health	8
Teachers and State Employees Retirement	8
Veterans and Military Affairs	8
Constitutional Amendments	7
Election Laws	7
General Statutes	7

<sup>169</sup> See *supra*, page 5 *et seq.*

<sup>170</sup> 1951 Senate Journal.

Institutions for the Blind and Deaf	7
Journal, Engrossing, Enrolling, and Printing	7
Justice of the Peace	7
Penal Institutions	7
Commercial Fisheries	6
Interstate and Federal Relations	5
Total number of committee seats	441

Senator Reeves died before he could take his seat in the 1951 Senate, and the vacancy was not filled. This meant that the body functioned with only forty-nine members. It will be observed that the president filled every available committee seat, 441, exactly nine per senator. Had Senator Reeves been present, of course, the president would have had nine more committee places available for assignment. The new rule reduced the average number of committee posts per member from 14.76 to 9.00, a remarkable change for one session.

The fact that a maximum limit was set on individual committee memberships is more important than the exact figure used in setting the limitation. That the figure sixteen was selected is not particularly mysterious. By accident there were thirty-one lawyers elected to the 1951 Senate. By adopting the sixteen-member limit it was possible to retain the tradition of assigning one-half the attorneys to one judiciary committee and the other one-half to the other judiciary committee.

The six committees to which the limitation did not apply will bear separate examination. All of them were "major" committees as that term is used in this study<sup>171</sup> as well as in the minds of the members themselves, but not all the "major" committees fell within the exemption. It may be profitable to review the work these committees handled in 1951 before commenting further on the significance of their exemption.<sup>172</sup>

<i>Exempt Committees</i>	<i>Number of Bills and Percentage of Total Bills Handled</i>			
	<i>Public</i>		<i>Local</i>	<i>Total</i>
Agriculture	17 (77.30%)	5 (22.70%)	22 (1.43%)	
Appropriations	76 (98.70%)	1 (1.30%)	77 (5.02%)	
Education	25 (37.30%)	42 (62.70%)	67 (4.37%)	
Finance	58 (50.40%)	57 (49.60%)	115 (7.51%)	
Public Roads	68 (89.50%)	8 (10.50%)	76 (4.96%)	
Rules	.....	.....	.....	
Totals	244 (65.50%)	113 (34.50%)	357 (23.29%)	

<sup>171</sup> See *supra*, page 25 *et seq.*

<sup>172</sup> See Figure M.

Although these committees handled slightly less than one-fourth of all the bills introduced, two-thirds of those handled were of a public character, and by commonly accepted standards constituted the bulk of the important matters before the legislature. This general acceptance of the importance of the work of these committees was reflected in the number of requests for assignment to one or more of them.

In making appointments to the 1951 Senate Rules Committee, Lieutenant Governor Taylor was well aware that any proposals he might make for changing the rules concerning committees would require Rules Committee approval. With astute understanding of this problem, he named to that committee all twenty-three members who had had prior experience in the Senate. Presumably this had something to do with excepting the Rules Committee from the sixteen-member limitation.

For a long time it has been customary in both the House and Senate for the presiding officer to assign half the members of the body to the Finance Committee and the other half to the Appropriations Committee. Occasionally a few members are appointed to both committees. This tradition with respect to the two committees considered most significant by the members unquestionably accounted for their being excepted from the membership limitation rule.

At every session, and even before the session convenes, the presiding officers receive numerous requests from members for assignment to particular committees. From session to session the favorite committees tend to vary depending upon the interests of the time and the anticipated proposals for legislation. Prior to the 1951 session the lieutenant governor received an unusually large number of requests for assignment to the Roads, Education, and Agriculture committees—three committees that have been popular almost consistently in recent sessions. This state of affairs had direct bearing on their being exempted from the sixteen-member rule.

In spite of the exceptions, a membership limitation on thirty of the thirty-six standing committees was an important step for a single session.

After adopting a rule stating that no senator could occupy more than nine committee seats without Rules Committee permission, itself a great advance, it is significant that no exceptions were made. The effect of the nine-seat limitation on the sixteen-member limitation is interesting to observe. If the president was to make the usual assignments to the Finance and Appropriations committees and also fill the other four excepted committees with almost all members who had requested seats on them, he was faced with the practical necessity of limiting membership on most of the remaining committees to a

figure below the allowed maximum of sixteen. This practical situation explains to some extent the varying size of committee memberships in the group of twenty-eight which were assigned fewer than the allowed sixteen members. One hundred seventy-one of the 441 committee posts available were allotted to the six exempt committees and two others. This meant that the remaining twenty-eight committees could have a total of only 270 seats, in other words, an average of 9.6 seats per committee. The final division among the twenty-eight ran as follows:

<i>Number of Committee Members</i>	<i>Number of Committees</i>
15	□□□
14	□
13	□
12	□□
11	□□□
10	□□□□
9	□
8	□□□□
7	□□□□□□
6	□
5	□

The operational efficiency of the twenty-eight smaller committees punctures any lingering argument that small committees have trouble handling the work assigned them. For example, the eleven-member Committee on Counties, Cities, and Towns managed to pass on almost 20% of the total legislative load with just as much ease as the twenty-man Committee on Education handled less than 5% of the total work-load. There was no evidence that the smaller committees had any more difficulty in getting quorums or finding times and places to meet than in prior sessions.

The following comparisons<sup>173</sup> serve to crystalize the effect of the new committee limitations:

	1949	1951
Total membership of the Senate	50	49 (actual)
Total number of committee seats	738	441
Total number of major committee seats	234	198
Total number of minor committee seats	504	243
Average number of committee seats per member	14.76	9
Average number of major seats per member	4.68	4.04
Average number of minor seats per member	10.08	4.96

<sup>173</sup> These figures are taken from those on page 28 and from the 1951 Senate Journal.

The number of committee posts was reduced by 40%. The bulk of the reduction came among the minor committees. The number of minor committee seats was reduced by 52% while the number of major committee seats was reduced by 15%. The same percentages, of course, were reflected in the average number of committee posts per member. The maximum assignment rule made a drastic change in the margin of difference in number of committee assignments among the members. In 1949 twenty-nine senators held more than the average number of committee seats, and in 1951 no senator held more than the average. This same balancing process is illustrated by the tables in Figure O and can be summarized as follows:

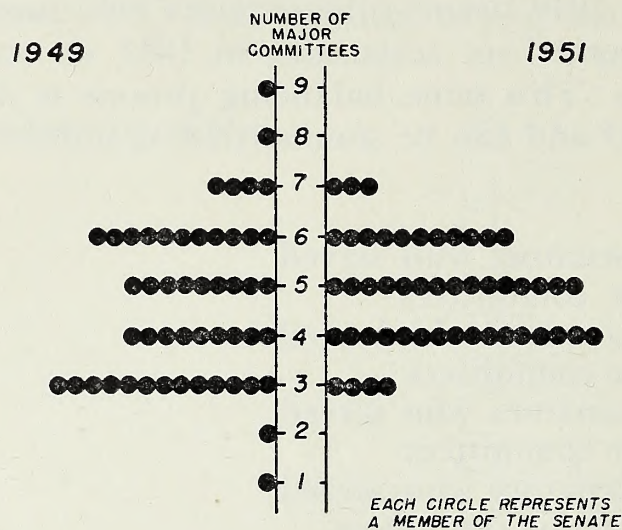
	1949	1951
Number of senators who served on 9 major committees	1	0
Number of senators who served on 8 major committees	1	0
Number of senators who served on 7 major committees	4	3
Number of senators who served on only 1 major committee	1	0
Number of senators who served on only 2 major committees	1	0
Number of senators who served on 17 minor committees	1	0
Number of senators who served on 15 minor committees	1	0
Number of senators who served on 14 minor committees	1	0
Number of senators who served on only 2 minor committees	0	3
Number of senators who served on only 3 minor committees	0	11
Number of senators who served on only 4 minor committees	0	15
Number of senators who served on only 5 minor committees	2	16
Number of senators who served on only 6 minor committees	2	4

These statistics reflect the effect of both the reduction in number of standing committees and the limitations on committee membership. Extremes in total, major, and minor committee assignments were sharply curtailed. This meant considerable relief for individual senators and a consequent improvement in their usefulness on the committees to which they were assigned.

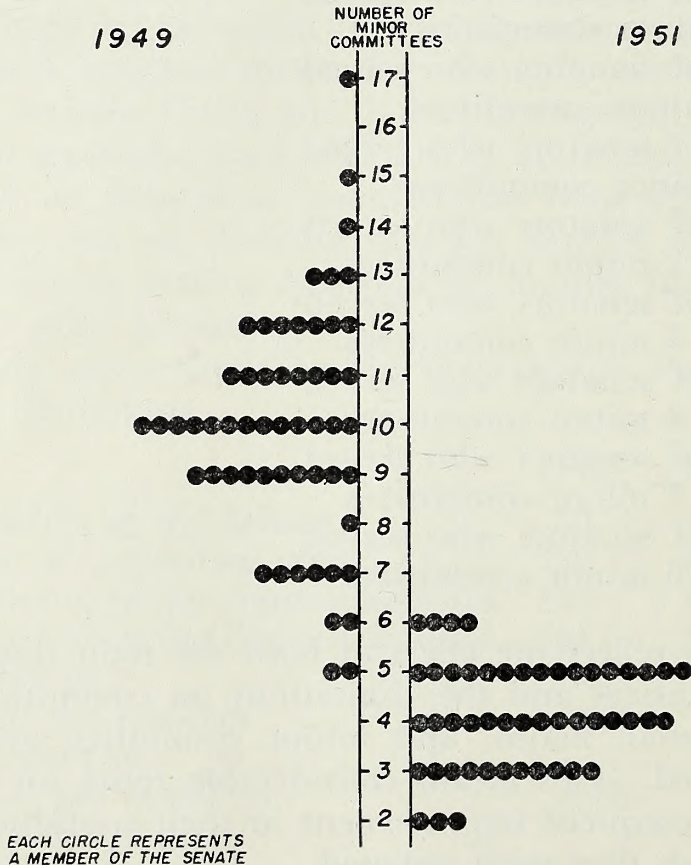
# FIGURE O

## SENATE COMMITTEE ASSIGNMENTS — 1949 AND 1951 COMPARISONS

SOURCE: 1949 and 1951 Senate Journals



(1) Number of senators serving on indicated number of major committees



(2) Number of senators serving on indicated number of minor committees

The 1951 Senate made a substantial attack on its predecessor's committee system, both with regard to number of committees and with regard to membership. The exigencies of the situation required compromise, and the remarkable point is that there was not more compromise. Nevertheless, extension of the sixteen-member limitation to at least some of the six exempt committees still needs consideration. Possibly a reduction in the figure sixteen should also be considered. In future sessions, for example, the 1951 reason for assigning more than sixteen members to the Committee on Rules will not exist. There is no reason for continuing to assign all members with prior service to that committee, and there seems to have been no other reason for exempting it from the limitation in 1951.

Agriculture, Roads, and Education are usually popular committees, but requests for assignment tend to fluctuate. Other committees become popular for a season or two and then lapse into a less popular status. The fundamental question is whether the Senate rules should base exceptions on popularity? If so, the rules will be subject to constant change. One session the exception may be made to apply to one set of committees and in another session to still another set of committees. If, for example, geographical representation is desirable on certain committees, it can be attained within the sixteen-member limitation. The same would be true of different interests and points of view.

The traditional assignment of half the body to Finance and half to Appropriations requires more thought. It may be unwise to break this precedent. Lieutenant Governor Taylor takes this position.

It has been the policy of the Senate to appoint to the Finance Committee one-half of the membership of the Body, and the other half to the Appropriations Committee. This has had a very salutary effect and while the hearings before the respective committees have been rather lengthy and laborious, the net result has been the passage of these important measures [i.e., the Revenue and Appropriations Bills] without difficulty. There can hardly be any improvement in the method and manner of handling our revenue and appropriations measures.<sup>174</sup>

Under the present theory each member becomes individually responsible for the financial welfare of the state and has an opportunity to participate in a great deal of the planning of the state's work. In committee he has a better chance to express his views and work for matters he considers important than he can have on the floor of the

---

<sup>174</sup> Letter from Lieutenant Governor H. P. Taylor to Albert Coates, October 11, 1950.

chamber. And, of course, the present system makes it difficult for a presiding officer to exercise complete control over these two committees.

This final point deserves more than casual thought. If the North Carolina General Assembly came reasonably close to being bi-partisan it is more than likely that the rules of the Senate and the House as well would specify the ratio of party members for each committee. In that situation there would be a fair guarantee of minority expression on all legislation. The situation in this state, however, is not that simple. Republican representation in the General Assembly is too small to warrant such a rule. Instead there is a membership composed almost wholly of people elected as members of the Democratic Party. That there are varying points of view among the members of the Democratic Party on both state and national affairs is too obvious to need illustration. But it is far more difficult to classify a man as a Type A Democrat or as a Type B Democrat than it is to classify a man as a Republican or as a Democrat. That there is a shadowy line between the conservative and liberal wings of the Democratic Party in this state is generally acknowledged, but deciding what members of the Senate are on which side of the line can prove very difficult. This simply means that, as a practical matter, the rules cannot be made to require liberal and conservative representation on committees proportionate to representation in the body. It would be impossible to administer such a rule. The upshot of this one-party situation is clear. Extremely limited committee membership, both as to a given committee and as to individual legislators, could result in denying varying elements in the Democratic Party proportionate representation on standing committees. This is not to say that the committees should be limited in size no further or that the number of posts per senator should not be reduced still more than they were in 1951, but it is an important political consideration to be kept in mind in future thinking on the subject.

**Use of Vice Chairmen.**—As quoted in the preceding section, Rule 30 of the 1951 Senate makes provision for the president to appoint both a chairman and a vice chairman for each standing committee. In the 1951 session each committee had a vice chairman. This was a new departure for the Senate, and while the advantages are not especially noticeable, the results are certainly not objectionable.

The creation of these new positions made it possible for the president to appoint every Democratic member of the Senate to either a chairmanship or vice chairmanship of some committee. Two members held two chairmanships each and six held two vice chairmanships

each. The two Republican members held neither chairmanships nor vice chairmanships.

**Quorum in Committee.**—In the principal study it was pointed out that the Senate rules contain no specific definition of a quorum for committee action, but that the substance of the rules implied that in the Senate a majority of a committee constitutes a quorum for acting on bills.<sup>175</sup> Rule 33 of the 1951 Senate makes this specific: "A quorum of any committee shall consist of a majority of the committee."

**Joint Committees.**—Prior to the 1951 session the Senate rules concerning joint committees were somewhat confusing. Rule 29 of the 1949 Senate called for Senate members on joint committees concerned with (1) Printing and (2) Trustees of the University, and, as was pointed out in the principal study, Rule 47 of the 1949 House called for House members on joint committees concerned with (1) Printing, (2) Trustees of the University, (3) Enrolled Bills, (4) Justices of the Peace, (5) Library, and (6) Public Buildings and Grounds.

In 1951 the Senate set up a standing Committee on Public Buildings and Grounds, merged its Committee on Printing with several others (including its Committee on Engrossed and Enrolled Bills), and retained its standing Committee on Justices of the Peace. It abolished its separate Committee on Library. In its place provision was made for the appointment of a three-member subcommittee from the membership of the Committee on Education by its chairman with the approval of the president.

The Senate then adopted the following rule on joint committees:

The Committee on Trustees of the Greater University, the Committee on Justice of the Peace, the Committee on Public Buildings and Grounds, the Committee on Journal, Engrossing, Enrolling and Printing, and the sub-committee on Library, provided for under this rule, shall act as the joint committees for the Senate.<sup>176</sup>

In this way the Senate made provision for Senate representation on all joint committees provided for by the rules of the House without extending its committee system.

In the principal study it was pointed out that G.S. 143-14 requires the appropriations committees of the two houses (and, by implication the two finance committees) to sit jointly when considering the state budget and legislation concerning it.<sup>177</sup> It was also pointed out that the statute seems to make it possible for either body to suspend the operation of that statute in so far as it prescribes "the method and

---

<sup>175</sup> See *supra*, page 38.

<sup>176</sup> 1951 Senate Rule 29.

<sup>177</sup> *Supra*, page 52.

manner of hearings" before the committees sitting jointly. In 1951 the question of whether the committees sitting together should vote as a unit or separately came in for very early consideration. Shortly after the governor delivered his annual budget message and after the biennial appropriations and revenue bills were introduced, the Senate Appropriations Committee met and voted to reserve its right to vote separately on legislation considered in joint session with the House Appropriations Committee.

It is not unprecedented for House and Senate committees to vote separately *after* a joint session. But old-timers could not recall when an appropriations committee has signified its intentions so early in the season. Usually, the decision to dissolve into two committees has been reached after the controversy developed, not before. [Italics supplied.]<sup>178</sup>

The next day the Senate Finance Committee took similar action.

So far as old-timers could recall, the procedure of voting separately on the big money bills hasn't been followed since the depression days of the early 30's, when committee snarls developed over tax matters. Action of the Senate Finance and Appropriations committees in resolving at this early stage of the session to vote separately is without precedent.

At the [Finance] committee meeting, however, Senator Rankin described the separate voting procedure as the "usual rather than the unusual" method followed in the past. Rankin was in the Assembly in 1931, when the finance committees took separate votes, and in 1933, when some of the same money problems which faced the 1931 session were being debated.

Senator Julian Allsbrook of Halifax, raising a point of order, inquired at yesterday's committee meeting whether the joint committees legally could vote separately on the revenue bill. The same question was raised in 1931, when the finance committee first split.

Allsbrook said he thought a vote on the motion by Senator Johnson [to reserve the right to vote separately] should be withheld until the Attorney General had been asked for an opinion. Rankin and Johnson objected.

"The Attorney General does not make the rules for this body," Rankin said. "This body makes its own rules."

No one voted against the Johnson motion.<sup>179</sup>

This action served principally to make it clear that the joint committee system in North Carolina remains very weak. Each house

---

<sup>178</sup> *News and Observer*, Raleigh, N. C., January 10, 1951.

<sup>179</sup> *Ibid.*, January 11, 1951.

seems determined to avoid any system that might possibly be interpreted as ceding any of its power to any agency over which it does not have complete control.

**Committee Clerks.**—Rule 34 of the 1951 Senate makes provision for the appointment of committee “clerks who shall be stenographers in order to expedite the business of the Session of 1951.” This is the first appearance of any requirement concerning the qualifications of persons appointed to serve as committee clerks and certainly represents a step in the right direction. The rate of pay authorized for stenographic workers is sufficient to insure the availability of capable persons for this work.<sup>180</sup>

In 1949 thirty standing committees were authorized clerical assistance; in 1951 this number was reduced to twenty-seven.<sup>181</sup> This reduction can be explained as follows:

Three committees that had clerks in 1949 lost them under the 1951 rules—

Constitutional Amendments

Salaries and Fees

Penal Institutions

One committee that had a clerk in 1949 was eliminated in 1951—

Corporations

Two 1949 committees that had no clerical assistance were combined in 1951, and a clerk was assigned to the merged committee—

Institutions for the Blind and Deaf

The committee clerk system still seems to be unsatisfactory. While the number of bills referred to a committee is not a complete measure of the committee's work-load, it is the most reliable single yardstick for such measurement. The following listing shows the committees allowed clerks and those not allowed clerks and indicates the percentage of the total work-load handled by each committee.

---

<sup>180</sup> Chapter 4, Session Laws of 1951, authorizes per diem pay of \$11.00 for clerks to the Finance and Appropriations committees and \$10.00 for all other committee clerks, plus a travel allowance of 10 cents per mile for one trip from their homes to Raleigh and return.

<sup>181</sup> 1951 Senate Rule 34.

(An asterisk indicates that the committee is allowed a clerk.)

<i>Committee</i>	<i>Percentage of Total Work Handled</i>	
	<i>1951</i>	<i>Prior Sessions</i>
*Counties, Cities, and Towns	19.80	25.40
*Judiciary No. 1	13.10	12.50
Salaries and Fees	11.40	9.00
*Judiciary No. 2	10.50	9.00
*Finance	7.50	10.80
*Appropriations	5.00	3.60
*Public Roads	4.90	1.90
*Education	4.40	3.80
Calendar	2.40	1.90
*Wildlife	2.20	1.40
*Propositions and Grievances	1.90	2.10
*Agriculture	1.40	2.30
*Election Laws	1.40	1.20
*Public Health	1.40	1.70
*Teachers and State Employees Retirement	1.30	1.20
*Insurance	1.00	1.00
*Public Welfare	0.90	0.80
*Conservation and Development	0.80	1.80
Commercial Fisheries	0.60	0.40
Constitutional Amendments	0.60	0.30
*Banks and Currency	0.30	0.40
Justice of the Peace	0.30	0.20
*Manufacturing, Labor, and Commerce	0.30	0.30
*Public Utilities	0.30	0.80
*Employment Security	0.20	0.50
*Interstate and Federal Relations	0.20	0.20
Senatorial Districts	0.20	0.00
General Statutes	0.10	0.06
*Institutions for the Blind and Deaf	0.10	0.20
*Mental Institutions	0.10	0.20
*Veterans and Military Affairs	0.10	0.90
Penal Institutions	0.06	0.10
Public Buildings and Grounds	0.06	0.00
Journal, Engrossing, Enrolling, and Printing	0.00	0.00
*Rules	0.00	0.00
*Trustees of the University	0.00	0.06

The work-load in prior sessions has been inserted here to demonstrate the effect or lack of effect prior experience had on selection of the 1951 committees to be assigned the services of a clerk. The only omission that raises any question is Salaries and Fees. On the other hand, admitting that several committees require the services of a clerk for purposes in addition to handling bills, there seems to be no standard

at all for allotting clerks. At least it seems plain that the number of bills a committee has to deal with has little bearing on whether it is entitled to the services of a clerk. Veterans and Military Affairs, for example, was permitted to have a clerk, and that committee handled only one bill in the 1951 session. At that rate the Committee on Salaries and Fees would have been entitled to 175 clerks for it handled 175 bills. If importance of the legislation is to be the test, it is hardly possible that the one bill the Veterans and Military Affairs Committee handled could have warranted the services of a stenographer for ninety-five legislative days. Had that bill been the biennial appropriations or revenue bill such might have been the case. Of course, this is absurd reasoning, but it serves to demonstrate that the clerk system needs still more revision. It now seems reasonably clear that the work-load of a given committee can be predicted at the beginning of a session on the basis of its prior record and on knowledge of the kind of bills anticipated. With this in mind, it will be possible to set a minimum work-load figure for a committee in order for it to be assigned secretarial assistance.

### **Standing Committees in the 1951 House of Representatives**

PARTS 1 and 2 of this study were not made available to members of the 1951 House of Representatives prior to the session. As stated earlier, the study was prepared at the request of the lieutenant governor for his own use in preparation for the 1951 session of the Senate. Had the speakership of the House been determined in advance of the session the study would have been made available to that body's presiding officer. Since the House does not choose its presiding officer until after it has convened, it was impossible to furnish the 1951 speaker with the study in advance.

Even had it been possible for the 1951 speaker of the House to use the information presented in PARTS 1 and 2, and even if it is assumed that the speaker would have wanted to make reductions in committee numbers and sizes similar to those made in the Senate, the fact that the speaker is chosen by election of the members would have made any changes considerably more difficult to put in operation than was the case in the Senate. The race for speakership is essentially a political contest with the normal characteristics of political struggles. Support for a candidate must be sought, and while some of it flows freely and without any concrete expectation of reward, it is nevertheless the fact that some kind of recognition of support is frequently expected. Candidates for the speakership are well aware of this fact, and they are also aware that committee seats, chairmanships, and vice-chairmanships constitute the accepted reward or recognition of sup-

FIGURE P  
1951 HOUSE OF REPRESENTATIVES  
ANALYSIS OF BILL REFERRALS

SOURCE: 1951 House Journal and Institute of Government records.

<i>Committee</i>	<i>Average Number of Bills Referred and Percentage of Total Referrals in 1945, 1947, and 1949 Sessions</i>		<i>Number of Bills Referred and Percentage of Total Referrals in 1951 Session</i>	
Agriculture	23	( 1.53%)	28	( 1.60%)
Appropriations	67	( 4.60%)	102	( 5.84%) *
Banks and Banking	8	( 0.53%)	5	( 0.29%)
Commercial Fisheries and Oyster Industry	5	( 0.30%)	7	( 0.40%)
Commissions and Institutions for the Blind	3	( 0.17%)	2	( 0.11%)
Congressional Districts	0	( 0.00%)	2	( 0.11%)
Conservation and Development	19	( 1.26%)	16	( 0.91%)
Constitutional Amendments	6	( 0.40%)	10	( 0.51%)
Corporations	2	( 0.13%)	0	( 0.00%)
Counties, Cities, and Towns	272	(18.57%)	216	(12.36%) *
Courts and Judicial Districts	51	( 3.33%)	104	( 5.95%) *
Drainage	2	( 0.13%)	1	( 0.06%)
Education	60	( 4.03%)	63	( 3.61%)
Elections and Election Laws	16	( 1.13%)	17	( 0.97%)
Employment Security	5	( 0.30%)	8	( 0.46%)
Engrossed Bills	0	( 0.00%)	0	( 0.00%)
Expenditures of the House	0	( 0.00%)	0	( 0.00%)
Federal and Interstate Cooperation	2	( 0.13%)	4	( 0.23%)
Finance	146	( 9.96%)	142	( 8.13%) *
Propositions and Grievances	27	( 1.70%)	46	( 2.63%)
Health	25	( 1.70%)	15	( 0.86%)
Higher Education	3	( 0.20%)	1	( 0.06%)
Mental Institutions	3	( 0.17%)	7	( 0.40%)
Institutions for the Deaf	0	( 0.00%)	0	( 0.00%)
Insurance	13	( 0.90%)	14	( 0.80%)
Journal	0	( 0.00%)	0	( 0.00%)
Judiciary No. 1	191	(12.87%)	171	( 9.79%) *
Judiciary No. 2	120	( 8.27%)	171	( 9.79%) *
Manufacturers and Labor	3	( 0.20%)	5	( 0.29%)
Military Affairs	2	( 0.16%)	2	( 0.11%)
Penal Institutions	1	( 0.13%)	1	( 0.06%)
Public Utilities	8	( 0.53%)	9	( 0.52%)
Public Welfare	7	( 0.50%)	15	( 0.86%)
Roads	33	( 2.16%)	74	( 4.24%) *
Rules	0	( 0.00%)	0	( 0.00%)

<i>Committee</i>	<i>Average Number of Bills Referred and Percentage of Total Referrals in 1945, 1947, and 1949 Sessions</i>		<i>Number of Bills Referred and Percentage of Total Referrals in 1951 Session</i>	
Salaries and Fees	133	( 9.23%)	150	( 8.58%)
Senatorial Districts	0	( 0.00%)	3	( 0.17%)
Teachers' and State Employees' Retirement	18	( 1.15%)	20	( 1.14%)
Veterans Legislation	10	( 0.70%)	0	( 0.00%)
Wildlife Resources	15	( 0.93%)	38	( 2.17%) *
Enrolled Bills	0	( 0.00%)	0	( 0.00%)
Justices of the Peace	0.6	( 0.03%)	2	( 0.11%)
Library	4	( 0.30%)	1	( 0.06%)
Printing	0	( 0.00%)	0	( 0.00%)
Public Buildings and Grounds	1	( 0.13%)	1	( 0.06%)
Trustees of the University	1	( 0.10%)	0	( 0.00%)
Calendar	165	( 8.03%)	274	(15.68%) *

port in the race. Thus the number of committee positions, the number of chairmanships, and the number of vice-chairmanships available to a candidate for the speakership take on real significance. A candidate for the speakership might have considerable difficulty in campaigning on a platform promising a reduction in committees and committee memberships. For these reasons it should be understood that the facts and figures presented here about committees in the 1951 House are not being presented for use in making unjust comparisons with 1951 Senate figures. Instead, it was felt that half the story would have been lost had 1951 House figures not been included. Particularly important is the tendency the 1951 statistics have to confirm the general conclusions drawn in PARTS 1 and 2 concerning the committee system in general. Thus anything reported here concerning the 1951 House and its committees should be interpreted in the light of the first two parts of this study. It would seem that the presentation of this material considerably in advance of a session of the General Assembly so that it can be digested by all potential candidates for membership in the House as well as potential candidates for the speakership offers the best hope of preparing the way for eventually taking steps toward improving the House committee system.

The 1951 House of Representatives retained the forty-six standing committees used in the 1949 session. Figure P compares the 1951 individual House committee work-load with its predecessor's work-load for the three preceding sessions and demonstrates that the probable work-load of a given committee remains fairly constant from session to session. In only nine cases (indicated with an asterisk in the figure)

did the 1951 committee's work-load vary more than 1% from the average of that of its predecessor over the three prior sessions.

The number of late introductions in the 1951 House boosted the percentage of the total work-load handled by the Calendar Committee. If the Calendar Committee is excluded from consideration, the following tabulation sheds some light on individual committee work in the 1951 session in comparison with distribution of the work-load in 1949.

	1949	1951
Number of committees handling as much as		
10% of all bills introduced	3	1
5% of all bills introduced	5	7
2% of all bills introduced	9	11
Number of committees handling less than		
2% of all bills introduced	37	35
1% of all bills introduced	19	33
Number of committees handling no bills at all	7	10

Thirty-three House committees had virtually no work assigned them. Seven committees handled the bulk of the work. The remaining six committees handled from 2% to 5% of the total work each. The increase in relatively inactive committees is marked—from nineteen to thirty-three. While only six 1951 committees handled from 2% to 5% of the total work each, in 1949 twenty-two committees each handled this much work. In 1951 there was a strong tendency for work to pile up on the seven busiest committees.

On the other hand, the allocation of work among the broad fields of legislative work in 1951 tended to follow the pattern of previous sessions. Figure Q illustrates the point. It also demonstrates, however, that in the 1951 session the number of relatively inactive committees in four fields of interest showed an increase over the number in those fields for the three prior sessions. This, of course, is a reflection of the fact that the total number of relatively inactive committees showed an increase in 1951.

As the newspapers reported, the speaker of the 1951 House made a conscious effort to reduce the size of some of his committees. The results can be summarized as follows:

	1949	1951
Total membership of the House	120	120
Total number of standing committees	46	46
Total number of committee seats	1,307	1,239
Total number of major committee seats	513	442
Total number of minor committee seats	794	797

Average number of committee seats per representative	10.98	10.32
Average number of major seats per representative	4.31	3.68
Average number of minor seats per representative	6.67	6.64

It will be observed that the total number of committee posts was reduced by 5.2%. Most of this reduction was reflected in the major committee assignments. The number of major committee positions was reduced almost 14%, while the minor committee sizes remained almost as they were in 1949. Some of this reduction, however, was compensated for by the appointment of vice-chairmen for forty of the forty-six committees. This was thirteen more than had been used in 1949.<sup>182</sup>

## FIGURE Q

## 1951 HOUSE OF REPRESENTATIVES

DIVISION OF WORK-LOAD AMONG FIELDS OF LEGISLATIVE  
ACTIVITY AND AMONG COMMITTEES

SOURCE: Figure P.

<i>Field of Interest</i>	<i>Number of House Committees in Field</i>		<i>% of Total Work of Legislature in the Field</i>		<i>Committees in the Field With Little Or No Work</i>	
	1949	1951	Prior to 1951	1951	Prior to 1951	1951
Internal Affairs of the Body	6	6	0.03	0	....	....
Political Questions	4	4	1.36	1.48	3	4
Financial Matters	2	2	14.56	13.97	0	0
Civil and Criminal Law	2	2	21.13	19.58	0	0
Development and Conservation	4	4	4.50	7.38	1	2
Schools and Education	4	4	4.63	3.73	3	3
Health and Welfare Matters	10	10	4.70	4.00	7	8
Business, Agriculture and Industry	7	7	4.13	3.90	5	6
Local Governmental Affairs	3	3	27.50	21.05	1	1
Calendar	1	1	11.36	15.68	....	....
Miscellaneous	4	4	5.50	9.15	2	2

<sup>182</sup> See *supra*, page 34 *et seq.*

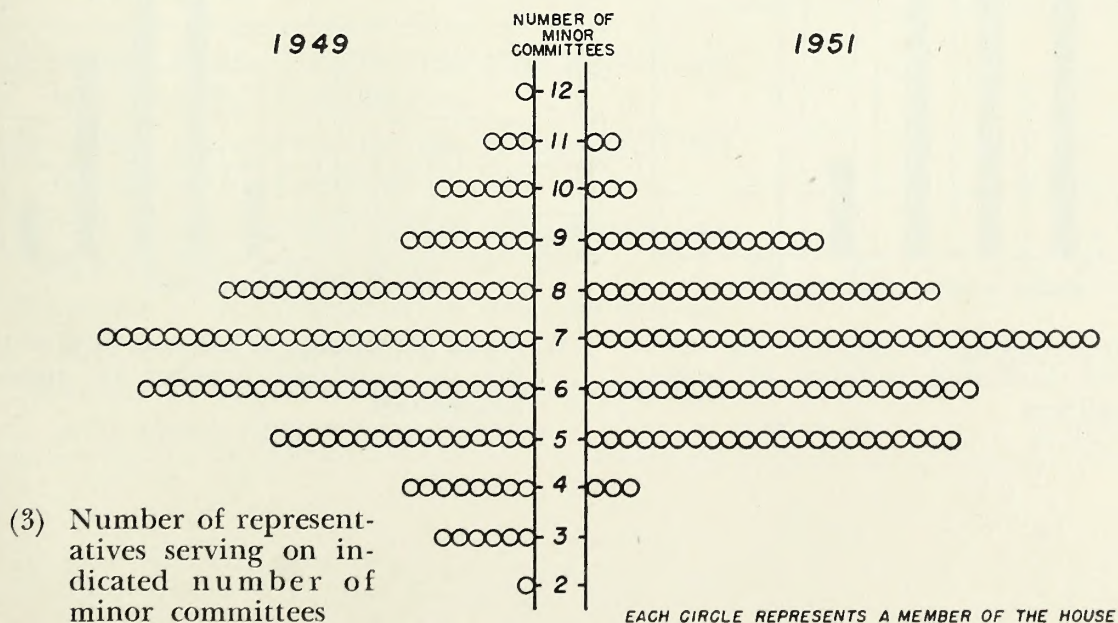
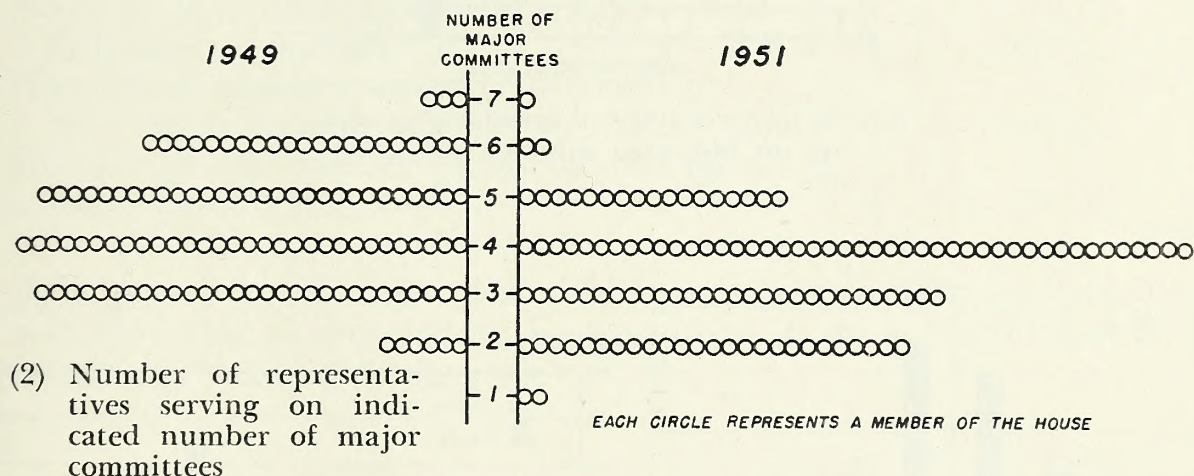
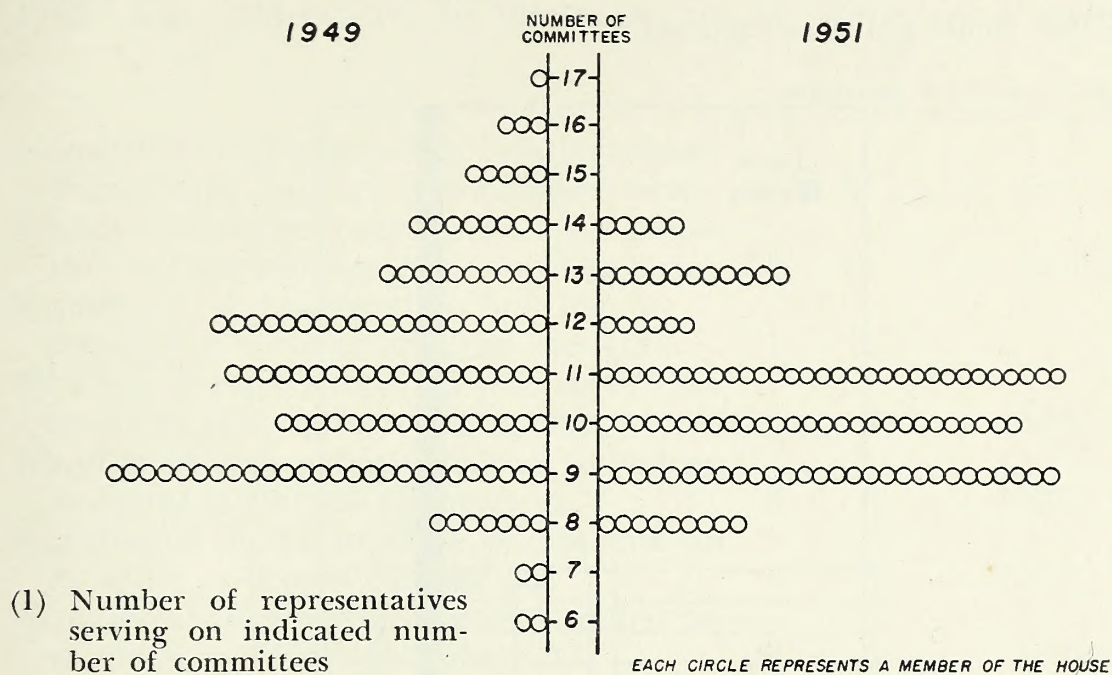
Committee appointments in 1951 showed a better balance than in 1949. By examining the following statistics it will be observed that the speaker avoided assigning individual representatives either to excessively many or excessively few standing committees. Column No. 1 shows the number of members who sat on the number of major, minor, and total committees indicated in Column No. 2. Column No. 3 shows what percentage of the total membership occupied the various totals of committee seats.

(1) <i>Number of Representatives</i>	(2) <i>Serving on Committees</i>			(3) <i>Percentage of Membership On Indicated Total Number of Committees</i>
	<i>Major</i>	<i>Minor</i>	<i>Total</i>	
2	5	9	14	} ..... 4.2%
3	4	10	14	
1	7	6	13	} ..... 8.4%
1	6	7	13	
2	5	8	13	
4	4	9	13	
2	2	11	13	
1	5	7	12	} ..... 5.0%
4	4	8	12	
1	3	9	12	
5	5	6	11	} ..... 27.7%
13	4	7	11	
8	3	8	11	
7	2	9	11	
1	6	4	10	} ..... 23.5%
7	5	5	10	
8	4	6	10	
6	3	7	10	
6	2	9	10	
10	4	5	9	} ..... 23.5%
8	3	6	9	
9	2	7	9	
1	1	8	9	
2	4	4	8	} ..... 7.6%
5	3	5	8	
1	2	6	8	
1	1	7	8	

# FIGURE R

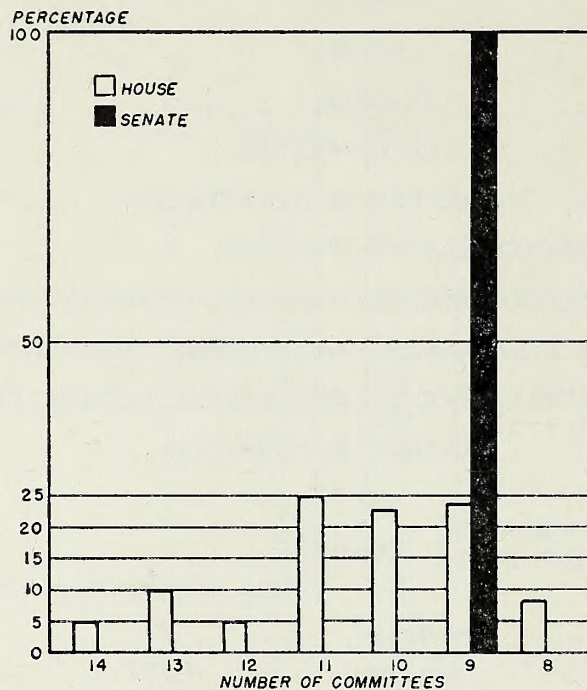
## HOUSE COMMITTEE ASSIGNMENTS — 1949 AND 1951 COMPARISONS

SOURCE: 1949 and 1951 House Journals

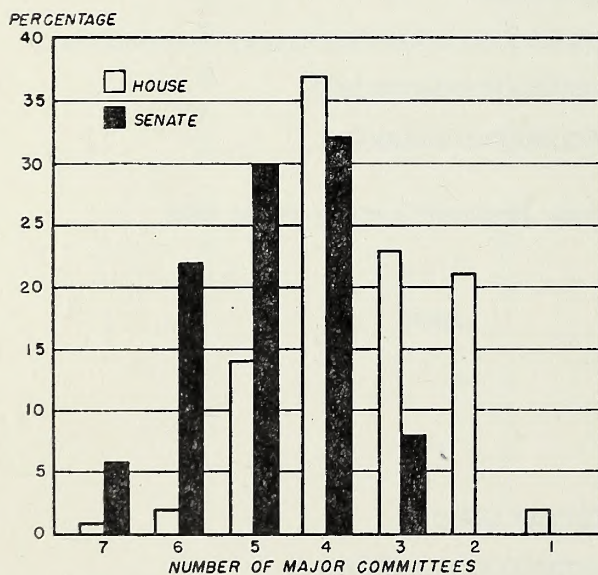


**FIGURE S**  
**NORTH CAROLINA GENERAL ASSEMBLY OF 1951**  
**COMMITTEE ASSIGNMENTS IN HOUSE AND SENATE**

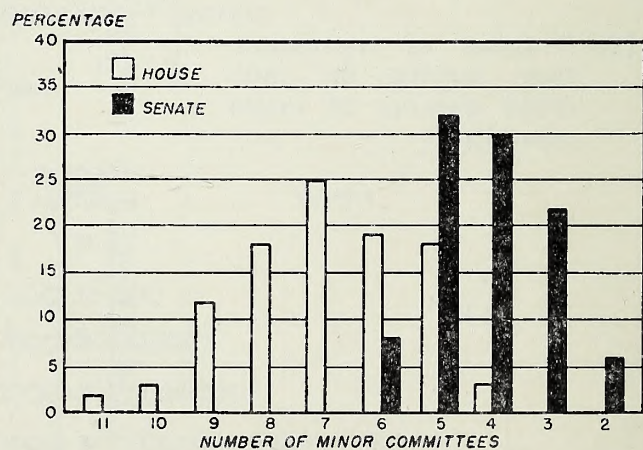
SOURCE: 1951 House and Senate Journals



- (1) As to percentage of membership serving on indicated number of committees



- (2) As to percentage of membership serving on indicated number of major committees



- (3) As to percentage of membership serving on indicated number of minor committees

No representative served on more than fourteen committees, and none served on fewer than eight committees. Three-quarters of the members served on eleven, ten, or nine committees each. As illustrated in Figure R, this improved balance in 1951 committee assignments appears even more clearly when compared with the situation in 1949. The information in Figure R can be summarized as follows:

	1949	1951	<i>Percentage of Increase or Decrease in 1951</i>
Number of representatives holding above the average number of committee seats	66	54	— 18%
Number of representatives holding below the average number of committee seats	53	65	+ 22.6%
Number of representatives holding no committee seats at all (the speaker)	1	1	
Number of representatives who served on as many as seventeen committees	1	0	—100%
Number of representatives who served on as many as sixteen committees	3	0	—100%
Number of representatives who served on as many as fifteen committees	5	0	—100%
Number of representatives who served on as many as fourteen committees	8	5	— 37.5%
Number of representatives who served on only six committees	2	0	—100%
Number of representatives who served on only seven committees	2	0	—100%
Number of representatives who served on only eight committees	7	9	+ 28.6%

By comparing the major and minor committee assignments in 1949 and 1951 this picture can be broken down to show where these 1951 reductions were most effective.

	1949	1951	<i>Percentage of Increase or Decrease in 1951</i>
Number of representatives who served on seven major committees	3	1	— 66.7%
Number of representatives who served on six major committees	21	2	— 90.5%
Number of representatives who served on five major committees	29	19	— 34.5%
Number of representatives who served on only two major committees	7	25	+257.1%
Number of representatives who served on only three major committees	29	28	— 0.003%

	1949	1951	Percentage of Increase or Decrease in 1951
Number of representatives who served on only four major committees	30	44	+ 46.6%
Number of representatives who served on twelve minor committees	1	0	-100%
Number of representatives who served on eleven minor committees	3	2	- 33.3%
Number of representatives who served on ten minor committees	6	3	- 50%
Number of representatives who served on only two minor committees	1	0	-100%
Number of representatives who served on only three minor committees	6	0	-100%
Number of representatives who served on only four minor committees	8	3	- 62.5%

These figures make plain two facts about the 1951 House committee assignments: (1) The number of representatives who served on very large numbers of major committees was substantially reduced in comparison with 1949 assignments. (2) The number of representatives who served on very large numbers of minor committees was reduced but not as sharply as in the case of major committee assignments. This, of course, reflects the necessity for appointing *some* members to fill the large number of minor committees provided for by the House Rules. Nevertheless, within the requirements of those rules, these figures demonstrate that the speaker of the 1951 House made a determined effort to break the committee size and assignment pattern that had grown up in that body in prior sessions.

The results of the changes made in the House as compared with those in the Senate are illustrated in Figure S. It will be observed that House major committee assignments remained lower than those in the Senate despite the drastic Senate changes, and it will also be observed that the principal difference between the two houses now lies in the number of minor committees and the number of members assigned to them.

## APPENDIX



## I. 1949 "GAG RULE" REVISION—SANCTITY OF THE COMMITTEE REPORT

On January 5, 1949, the General Assembly convened and, following tradition, each house adopted as temporary rules its 1947 rules with the significant omission of two rules in the House. The newly-elected speaker and the new lieutenant governor, with their committees already picked, referred the matter of permanent rules for the 1949 session to the new rules committees.

In the Senate the procedure was routine; in the House the committee delayed slightly but reported out its recommendations within a few days after the session opened. In order to understand the struggle that took place in the House and its bearing on the committee system it is essential to keep in mind the text of the two 1947 rules under fire—the two omitted when the 1947 rules were adopted by the 1949 House for temporary use—and the way in which that text was changed over the ten-year period, 1939 to 1949.

### House Rule 71

1939 version: When a bill shall be reported by a committee with a recommendation that it not be passed, but accompanied by a minority report, the question before the House shall be "The adoption of the minority report," and if failing to be adopted by a *majority* vote, the bill shall be placed upon the unfavorable calendar. Such minority report shall be signed by at least *three members* of the committee who were present [**\*\***] when the bill was considered in committee. . . . In the event that there is an unfavorable report with no minority report accompanying it, the bill shall be placed upon the unfavorable calendar. To take a bill from the unfavorable calendar, a two-thirds vote shall be necessary.<sup>1</sup>

1941 version: Identical with the 1939 version except that the italicized word "majority" read "two thirds." This version remained in use through the session of 1947.

1949 version: Identical with the previous versions except (1) the words "two thirds" inserted in 1941 were changed to read "majority" as it had read in 1939, (2) the italicized words "three members" were changed to read "one-fourth of the members," and (3) the words "and voting" were inserted in the 1939 version at the point marked by two asterisks in the quotation above.

---

<sup>1</sup> In the House rules of 1939 and 1941 this rule bore the number 65 rather than 71.

**House Rule 57**

- 1939 version: . . . No bills shall be withdrawn from the committee to which referred except upon motion duly made and carried by a *majority vote*.
- 1941 version: Identical with the 1939 version except that the italicized words were changed to read "two thirds." This amended version remained in use through the 1947 session.
- 1949 version: When a bill has been introduced and referred to a committee, if after ten days the committee has failed to report thereon, then the author of the bill may, after three days' public notice given in the House, on motion supported by a vote of two-thirds of the members present and voting, recall the same from the committee to the floor of the House for consideration and such action as a majority of the members present may direct.

If a majority of the members of a committee to which a bill has been referred vote to report the bill unfavorably, as pointed out above, the minority may or may not bring out a minority report depending upon whether they think the matter important enough to do so, or whether they think it possible to get a minority report adopted by the body, and on whether they can muster within the committee itself sufficient numerical strength to support a minority report under the rules.

Suppose the bill is simply reported unfavorably and that no minority report is presented. This is where the two rules begin to have weight. According to House Rule 71, under such circumstances, the bill is placed on the unfavorable calendar and to take it from that calendar requires a two-thirds vote. This particular part of the House rule, echoed in the Senate rules,<sup>2</sup> has the sanction of age, usage, and practicability, and was not subjected to serious challenge in the 1949 "gag rule" fight. Its presence as a part of the two disputed rules, however, should not be overlooked.

If, on the other hand, the minority in the committee seeks to bring out a minority report the question arises as to how many signatures are needed for such a report to be considered on the floor. For some years the Senate rules<sup>3</sup> have required the signatures of only three members of the committee who were "present and voting on the bill

---

<sup>2</sup> Senate Rule 67: "All bills and resolutions reported unfavorably by the committee to which they were referred, and having no minority report, shall lie upon the table, but may be taken from the table, and placed upon the calendar by a two-thirds vote of those present and voting."

<sup>3</sup> Senate Rule 51a.

when considered in committee." House Rule 71 was the same prior to 1949 except that it did not include the quoted words "and voting." Under the 1949 revision of this House rule, however, a minority report requires the signatures of "at least *one-fourth* of the members of the committee who were present *and voting* when the bill was considered in committee [*italics supplied*]." Obviously this change was a pivotal point in the 1949 struggle.

Suppose, for example, that a proper minority report is obtained and that it is presented to the House. Senate and House rules agree that the question before the body then becomes "the adoption of the minority report."<sup>4</sup> The rules again come into play in determining what vote is necessary for adoption of that minority report. Until 1941 the House rule<sup>5</sup> required only a majority vote for adoption—the Senate has consistently followed this course<sup>6</sup>—but late in the 1941 session the House requirement was raised to a two-thirds vote.<sup>7</sup> This two-thirds rule remained in effect until 1949. The House Rules Committee at the 1949 session recommended that the two-thirds provision be stricken down to the majority required by the House rule prior to 1941 and consistently required by the Senate rule on the point.

Still another situation must be considered with respect to committee action and getting measures to the floor. From time to time committees have a way of "sitting on" a bill, that is, the committee simply

---

<sup>4</sup> Senate Rule 51a; House Rule 71. To adopt or fail to adopt a minority report determines whether the bill will be sent to the unfavorable calendar or brought up for consideration on its merits on the regular calendar. The vote on adoption of a minority report is not a vote on the merits of the bill.

<sup>5</sup> House Rule 65.

<sup>6</sup> Senate Rule 51a.

<sup>7</sup> At the same time 1941 House Rule 57 (1949 House Rule 52) was similarly amended. Published comment before and during the 1949 General Assembly shed little light on the reasons behind these 1941 modifications:

"At the instance of then Governor Broughton and at the request of then Speaker O. M. Mull [Lynn Nisbet in the *Kinston Daily Free Press*, December 20, 1948] the strange device was put in the rules in the closing days of the 1941 session on the pretext that it was needed to hasten adjournment by preventing a fight on a liquor referendum bill ["On Its Way Out," an editorial in the *Raleigh News and Observer*, December 7, 1948] in order that . . . [Governor Broughton] might attend a Governors' Conference ["Contrast in Rules," an editorial in the *Raleigh News and Observer*, January 5, 1949]."

Read together these statements furnish some background for the report that, "The wets claim that the 'gag' rule was adopted by the dries in the early 1930's [*sic*] to prevent the calling of a statewide referendum on liquor. The dries, having been flanked by the Pasquotank Act (the ABC Law), claim that the wets are using the rule to prevent a state-wide liquor referendum. ["The 'Gag' Rule," an editorial in the *Charlotte News*, December 31, 1948]. [Representative] Whitfield said it was 'silly' to believe that the 'gag' rule prevented a statewide referendum on the liquor question [Dan Hodges in the *News and Observer*, January 8, 1949]. [Supporters of the rule] say it prevents bringing to the House floor squabbles that have been settled in committee [Associated Press story in the *Durham Morning Herald*, December 23, 1948]."

delays reporting the bill either favorably or unfavorably. Occasionally this slow strangulation is preferred to the incisive execution of an unfavorable report. In such cases the proponents of a measure must rely on House Rule 57<sup>8</sup> governing the process of withdrawing a bill from the committee to which it has been assigned by the speaker prior to the time it is reported by that committee. Under the House rule prior to 1941, the proponent was able to withdraw a bill from committee upon a proper motion supported by a majority vote. In 1941 the necessary support for this motion was raised to a two-thirds vote at the same time the House rule on adoption of a minority report was changed to raise the required vote from a majority to two-thirds.

The general opposition to any "gag rule" included both House Rules 57 and 71. Thus in the general modifications made by the 1949 House, Rule 57 was completely rewritten. The House Rules Committee simply recommended that the House adopt the Senate rule on the same subject with one modification. As finally adopted by the House the rules of the two houses are identical: only the "author" (introducer) of a bill may move to have it withdrawn from the committee to which it has been referred, and before he can make this motion the committee must have held the bill for at least ten days without making any report on it, and even then he can make the motion to withdraw only after he has given three days' public notice in the house of his intention to make such a motion. When finally made, the motion requires the support of two-thirds of the members "present and voting" for passage.

Once the bill is brought to the floor—whether by removing it from the unfavorable calendar, or by adopting a minority report, or by withdrawing it from committee—it assumes the status of any other bill dealing with the particular subject-matter in so far as the vote required for its passage is concerned.

To summarize, the 1949 House reduced the vote necessary for adoption of a minority report from two-thirds to a majority, and at the same time increased the number of signers required for bringing out a minority report from a flat three to one-fourth of the members of the committee voting on the measure. The rule on withdrawing bills from committee was tightened; formerly it had required simply a majority vote, but it was changed to require a ten-day waiting period, three days' public notice, and a two-thirds vote.

The anticipated test of the revised rules came in the struggle over Representative Martin's state-wide liquor referendum bill. The bill had been referred to the forty-man House Committee on Propositions

---

<sup>8</sup> Until 1947 this rule was numbered 52.

and Grievances where the vote was twenty-six for and four against giving the bill an unfavorable report. To obtain a minority report it would have been necessary to secure the signatures of eight of those thirty members. Whether this might have been done is unknown, but the fact is that no minority report was filed. On the other hand, Representative Martin, author of the bill, moved that his bill be taken from the unfavorable calendar. On this motion he succeeded in obtaining the supporting votes of fifty-four of the 105 members present and voting that morning—a majority support but sixteen short of the two-thirds needed under the House rule. This vote, of course, did not itself bring into play the revised rules; it simply served to point out that had the required number of signers of a minority report been kept at three it would have been possible for the proponents of the referendum bill in committee to have presented a minority report. Then under the revised rule on the adoption of a minority report, and assuming that the lines would have held, Representative Martin would have been able to get his bill to the floor with the majority he seemed to have with him. Once on the floor there would have been little reason to suppose that the same majority would desert the cause, and in that event the House would have passed a state-wide liquor referendum bill.

## II. BILL REFERRALS IN THE 1951 SENATE AND HOUSE

The following tables, one for the Senate and one for the House, record the number of bills (public and local, Senate and House) referred to each committee of the 1951 General Assembly of North Carolina and indicate the committee's ultimate disposition of the bills referred to it.

## LEGISLATIVE COMMITTEES

## BILL REFERRALS IN THE 1951 SENATE

Committee	Source: 1951 Senate Journal	Total Number of Bills Handled	Public Bills			Local Bills			Gave Unfavorable Reports to			Did Not Report			Reported Favorably and Failed to Pass		
			Senate	House	Total	Senate	House	Total	Senate	House	Total	Senate	House	Total	Senate	House	Total
Agriculture		22	10	7	17	2	3	5	1	0	1	2	0	2	0	0	0
Appropriations		77	55	21	76	0	1	1	20	3	23	13	0	13	0	1	4
Banks and Currency		5	2	3	5	0	0	0	1	0	1	0	0	0	0	0	0
Institutions for the Blind and Deaf		1	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Commercial Fisheries		9	2	4	6	0	3	3	0	0	0	2	2	4	0	0	0
Conservation and Development		13	2	11	13	0	0	0	0	0	0	1	0	1	0	0	0
Constitutional Amendments		9	7	2	9	0	0	0	2	0	2	1	0	1	0	0	0
Counties, Cities, and Towns		303	1	3	4	88	211	299	0	1	1	1	0	1	0	0	1
Courts and Judicial Districts		76	1	4	5	15	56	71	1	2	3	0	2	3	2	0	2
Education		67	18	7	25	11	31	42	1	2	3	2	1	3	0	0	0
Election Laws		22	6	1	7	2	13	15	2	0	2	0	0	0	0	0	0
Employment Security		3	2	1	3	0	0	0	0	0	0	0	0	0	0	0	0
Finance		115	29	29	58	5	52	57	5	6	11	3	1	4	1	1	2
General Statutes		2	1	1	2	0	0	0	0	0	0	0	0	0	0	0	0
Insurance		16	16	0	16	0	0	0	3	0	3	0	0	0	0	0	0
Interstate and Federal Relations		3	3	0	3	0	0	0	0	0	0	1	0	1	0	0	0
Journal, Engrossing, Enrolling, and Printing		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Judiciary No. 1.		200	82	56	138	25	37	62	8	8	16	14	0	14	1	2	3
Judiciary No. 2		161	45	52	97	17	47	64	4	9	13	8	2	10	0	0	0
Justice of the Peace		5	0	1	1	0	4	4	0	0	0	0	0	5	0	0	0
Manufacturing, Labor, and Commerce		4	3	1	4	0	0	0	2	0	2	0	0	0	0	0	0
Mental Institutions		2	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0
Penal Institutions		1	0	1	1	0	0	0	0	1	1	0	0	0	0	0	0
Propositions and Grievances		29	9	5	14	3	12	15	4	1	5	1	0	1	0	0	0

# BILL REFERRALS IN THE 1951 SENATE

Committee	Public Bills		Local Bills		Gave Unfavorable Reports to		Did Not Report		Reported Favorably and Failed to Pass	
	Senate	House	Senate	House	Senate	House	Senate	House	Senate	House
	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total
Public Buildings and Grounds	1	1	0	0	0	0	1	0	0	0
Public Health	21	9	1	3	0	0	0	0	0	0
Public Roads	76	28	3	5	8	6	5	0	0	0
Public Utilities	5	2	0	1	1	0	0	0	0	0
Public Welfare	14	9	0	2	0	0	1	1	1	1
Rules	0	0	0	0	0	0	0	0	0	2
Salaries and Fees	175	1	40	134	0	0	0	0	0	0
Senatorial Districts	3	0	0	0	0	0	1	1	0	3
Teachers and State Employees Retirement	20	4	1	11	3	0	0	0	0	0
Trustees of the University	0	0	0	12	0	0	0	1	0	0
Veterans and Military Affairs	1	0	0	0	0	0	0	0	0	0
Wildlife	34	6	6	17	3	2	0	0	0	0
Calendar	36	21	0	8	6	9	0	1	0	1
	1531	661	870	127	74	19				

## BILL REFERRALS IN THE 1951 HOUSE

SOURCE: 1951 House Journal	Committee	Public Bills			Local Bills			Gave Unfavorable Reports to			Did Not Report			Reported Favorably and Failed to Pass		
		House	Senate	Total	House	Senate	Total	House	Senate	Total	House	Senate	Total	House	Senate	Total
	Agriculture	28	16	44	5	3	8	2	0	2	4	0	4	0	1	1
	Appropriations	102	95	197	0	0	0	5	0	5	61	0	62	2	0	2
	Banks and Banking	5	5	10	0	0	0	1	0	1	1	0	1	0	0	0
	Commercial Fisheries and Oyster Industry	7	4	11	3	0	3	1	0	1	1	0	1	0	0	0
	Commissions and Institutions for the Blind	2	1	3	0	0	0	1	0	1	0	0	0	0	0	0
	Congressional Districts	2	2	4	0	0	0	0	0	0	0	0	0	0	0	0
	Conservation and Development	16	15	31	1	0	1	0	0	0	1	0	1	0	0	0
	Constitutional Amendments	10	10	20	0	0	0	6	0	6	0	0	0	2	0	2
	Corporations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Counties, Cities, and Towns	216	1	217	161	54	215	1	1	2	8	1	9	1	0	1
	Courts and Judicial Districts	104	7	111	64	25	89	6	3	9	0	0	0	0	0	0
	Drainage	1	1	2	0	0	0	0	0	0	0	0	0	0	0	0
	Education	63	18	81	28	15	43	2	0	2	2	0	2	0	0	0
	Elections and Election Laws	17	3	20	10	2	12	2	0	2	0	0	0	0	0	0
	Employment Security	8	5	13	0	0	0	0	0	0	0	0	0	2	0	2
	Engrossed Bills	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Expenditures of the House	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Federal and Interstate Cooperation	4	2	6	0	0	0	1	0	1	0	0	0	0	0	0
	Finance	142	43	185	63	20	83	17	1	18	0	0	0	6	2	8
	Propositions and Grievances	46	21	67	21	2	23	10	0	10	3	0	3	2	0	2
	Health	15	9	24	1	0	1	1	0	1	1	0	1	0	0	0
	Higher Education	1	1	2	0	0	0	0	0	0	0	0	0	0	0	0
	Mental Institutions	7	5	12	0	0	0	2	0	2	0	0	0	0	0	0
	Institutions for the Deaf	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Insurance	14	4	18	1	0	1	2	0	2	0	0	0	0	0	0
	The Journal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Judiciary No. 1	171	111	282	26	5	31	24	2	26	9	1	10	1	3	4
	Judiciary No. 2	171	53	224	50	20	70	24	8	32	1	1	2	2	1	3

## BILL REFERRALS IN THE 1951 HOUSE

Committee	Public Bills			Local Bills			Gave Unfavorable Reports to			Did Not Report			Reported Favorably and Failed to Pass		
	House	Senate	Total	House	Senate	Total	House	Senate	Total	House	Senate	Total	House	Senate	Total
Manufacturers and Labor	5	1	5	0	0	0	0	0	0	0	0	0	0	0	0
Military Affairs	2	0	2	0	0	0	1	0	1	0	0	0	0	0	0
Penal Institutions	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Public Utilities	9	2	11	1	0	1	3	0	3	0	0	0	0	0	0
Public Welfare	15	4	19	4	0	4	0	0	0	1	0	1	0	0	0
Roads	74	20	94	4	3	7	14	3	17	0	0	0	0	0	0
Rules	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Salaries and Fees	150	0	150	123	27	150	1	1	2	0	0	0	1	0	1
Senatorial Districts	3	0	3	0	0	0	0	0	0	0	0	0	0	0	0
Teachers' and State Employees' Retirement	20	2	22	11	2	13	0	0	0	0	0	0	0	0	0
Veteran's Legislation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Wildlife Resources	38	10	48	22	4	26	1	0	1	3	0	3	0	0	0
Enrolled Bills	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Justices of the Peace	2	1	3	1	1	2	0	0	0	0	0	0	0	0	0
Library	1	1	2	0	0	0	0	0	0	1	0	1	0	0	0
Printing	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Public Buildings and Grounds	1	1	2	0	0	0	0	0	0	0	0	0	0	0	0
Trustees of University	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Calendar	274	50	324	109	64	173	33	17	50	5	1	6	3	1	4
	1747	792	2539	955	200	1155	110	35	145	35	110	145	35	110	145

### III. CONVERSION TABLE—1949 RULE NUMBERS CONVERTED TO 1951 RULE NUMBERS

#### Senate

The 1949 Senate Rule number is listed to the left and its 1951 counterpart is listed in parenthesis beside it.

1 ( 1)	26 (26)	51 (52 )
2 ( 2)	27 (27)	51a (52a)
3 ( 3)	28 (28)	52 (53 )
4 ( 4)	29 (29)	53 (54 )
5 ( 5)	.... (30) [added in 1951]	54 (55 )
6 ( 6)	30 (31)	55 (56 )
7 ( 7)	31 (32)	56 (57 )
8 ( 8)	32 (33)	57 (58 )
9 ( 9)	33 (34)	58 (59 )
10 (10)	34 (35)	59 (60 )
11 (11)	35 (36)	60 (61 )
12 (12)	36 (37)	61 (62 )
13 (13)	37 (38)	62 (63 )
14 (14)	38 (39)	63 (64 )
15 (15)	39 (40)	64 (65 )
16 (16)	40 (41)	65 (66 )
17 (17)	41 (42)	66 (67 )
18 (18)	42 (43)	67 (68 )
19 (19)	43 (44)	68 (69 )
20 (20)	44 (45)	69 (70 )
21 (21)	45 (46)	70 (71 )
22 (22)	46 (47)	71 (72 )
23 (23)	47 (48)	72 (73 )
24 (24)	48 (49)	73 (74 )
25 (25)	49 (50)	74 (75 )
	50 (51)	75 (76 )

#### House

The 1951 House Rules numbers are identical with the 1949 numbers used in PARTS 1 and 2 of this study.











